



Department for
Communities and
Local Government

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London
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Our Ref: (A) APP/J0405/A/12/2181033
(B) APP/J0405/A/12/2189277
(C) APP/J0405/A/12/2189387
(D) APPJ0405/A/13/2197073

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26 January 2015

David Lock Associates Ltd
50 North Thirteenth Street
Milton Keynes
MK9 3BP

Dear Sirs,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
PLANNING APPEALS AT (A) FLEET MARSTON FARM, FLEET MARSTON,
AYLESBURY; (B) LAND SOUTH EAST OF AYLESBURY (HAMPDEN FIELDS); and
(C) & (D) LAND NORTH OF WEEDON HILL MDA, AYLESBURY**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, David M H Rose BA(Hons) MRTPI, who held a public local inquiry on dates between 25 June 2013 and 9 December 2013 into your clients' appeals against the refusal by Aylesbury Vale District Council ("the Council") to grant outline planning permission in respect of Appeals A and D and the failure of that Council to determine the applications in respect of Appeals B and C.
2. The developments proposed in the respective planning applications are set out on pages 1-2 of the Inspector's Report (IR), and the main elements are:

A – Application ref: 10/01504/AOP dated 19.07.2010 by Barwood Land and Estates Limited, and refused on 25.07.2012, for 2,745 dwellings, 30,000m² employment space, school, care home, railway station;

B – Application ref: 12/00605/AOP by the Hampden Fields Consortium, dated 12.03.12 and amended on 02.11.12. The appeal was against the failure of the Council to determine the application for up to 3,000 dwellings, care home, land for a Park & Ride

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facility and a waste recycling facility, employment land, 2 schools, mixed-use local centre, and multi-functional green infrastructure;

C – Application ref: 12/00739/AOP by Hallam Land Management Limited, dated 30.03.12. The appeal was against the failure of the Council to determine the application for up to 120 dwellings, employment development and Park & Ride facility;

D – Application ref: 12/02850/AOP by Hallam Land Management Limited, dated 19.12.12 and refused on 12.04.13 for up to 220 dwellings and a Park and Ride facility on the same site as (C).

3. On 9 August 2012, the Secretary of State recovered Appeal A for his own decision and he similarly recovered Appeals B and C on 29 January 2013 and 21 May 2013 respectively. The reason for recovery of each case was that it involves proposals for residential development of over 150 units and on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. Appeal D was recovered on 29 January 2013 because it would be most efficiently and effectively decided with Appeals A, B and C.

Inspector's recommendation and summary of the decision

4. The Inspector recommended that the appeals be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendations. A copy of the IR is enclosed, and all references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

5. In reaching his decisions the Secretary of State has taken into account the Environmental Statements (ESs) which were submitted with the applications relating to each of the appeals under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the Inspector's comments at IR1.15. The Secretary of State is content that the ESs comply with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the appeal proposals.

Matters arising following the close of the Inquiry

6. Following the close of the Inquiry, the Secretary of State received the following correspondence on substantive issues:

17 Dec 2013	Aylesbury Vale DC	Submission re HS2
10 Feb 2014	Barton Willmore	Implications of withdrawal of LP ¹
12 Feb 2014	Chilmark Consulting on behalf of Barwood Land and Estates Ltd	Implications of withdrawal of LP
4 April 2014	Aylesbury Vale DC	Implications of withdrawal of LP
16 April 2014	Chilmark Consulting	Response to above letter from Council
22 Aug 2014	Bucks CC	Archaeological significance

The Secretary of State is satisfied that none of this correspondence raised new issues on which he needed to seek further information to assist in making his decisions. However, copies can be obtained on written request to the address at the foot of the first page of this letter. The Secretary of State also received a request, dated 14 February

¹ Vale of Aylesbury Plan (LP)

2014 on behalf of Arnold White Estates (Rule 6 Party) seeking an extension of the period for comment following the withdrawal of the LP (referred to in paragraph 7 below); and a communication on their behalf dated 18 January 2015 drawing his attention to recent publications relating to the HS2 land scheme.

Policy considerations

7. In deciding these appeals, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of these appeals, the development plan consists of the saved policies of the Aylesbury Vale District Local Plan (AVDLP), adopted in January 2004 for the period to 2011. The two policies of the South East Plan which were retained as part of the development plan when the Regional Strategy was revoked on 23 March 2013 are not relevant to the consideration of these appeals. The Council submitted the LP for Examination in August 2013 but, following the Examining Inspector's conclusion that that plan had failed to assess objectively the full housing needs for the district and the duty to co-operate had not been fulfilled, they formally withdrew the plan in February 2014. Work on a new plan is still at an early stage, and the Secretary of State gives it little weight.
8. Other material considerations which the Secretary of State has taken into account include the *National Planning Policy Framework* (The Framework) and the subsequent planning guidance – upon which each of the main parties was invited by the Planning Inspectorate to comment (IR1.73); as well as the *Community Infrastructure Levy (CIL) Regulations 2010* as amended.
9. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LB Act), the Secretary of State has paid special regard to the desirability of preserving those listed structures potentially affected by any of the appeal schemes or their settings or any features of special architectural or historic interest which they may possess.

Main issues

10. The Secretary of State agrees with the Inspector that there are two principal preliminary matters in relation to Appeals A and B (IR1.68) and that the individual main considerations are those set out at IR1.69 (Appeal A), IR1.70 (Appeal B) and IR1.71 (Appeals C and D).

Preliminary main consideration: housing land supply

11. For the reasons given at IR9.7-9.10, the Secretary of State agrees with the Inspector that the evidence relating to the preparation of the LP has diminished in materiality following its withdrawal so that the critical matters to be determined with regard to housing land supply are those listed at IR9.10. The Secretary of State has gone on to give careful consideration to the Inspector's arguments with regard to those matters at IR9.11-9.45; and agrees with his conclusion at IR9.46-9.48 that, for the purpose of these appeals, a more realistic level of housing provision would be in the order of at least 1,000 dwellings per annum before any uplift for previous under-delivery. He therefore also agrees that the Appeal A site and the Appeal B site would each only go part way to fulfilling the need for additional housing in the short term. Like the Inspector, the Secretary of State has therefore gone on to consider whether there are any material considerations to outweigh the provision of housing on each of the appeal sites.

Preliminary main consideration – financial contribution to Thames Valley Police

12. Having carefully considered the Inspector's exposition and discussion at IR9.49-9.75, the Secretary of State agrees with his conclusion at IR9.76 that, in the case of Appeals A and B, Thames Valley Police has not made out a convincing, site-specific case for the funding which it seeks so that the lack of developer contributions does not justify the refusal of planning permission.

APPEAL A: FLEET MARSTON

Landscape and visual effects

13. The Secretary of State has given very careful consideration to the Inspector's consideration of landscape character at IR9.78-9.109, visual affects at IR9.110-9.129, design iteration and primary mitigation at IR9.130-9.137 and the relevant saved policies of the AVDLP at IR9.138.144. He agrees with the Inspector's reasoning therein, and with his conclusions at IR9.145-146. Hence, the Secretary of State agrees with the Inspector that the proposal offers benefits including the retention, enhancement and reintroduction of trees and hedgerows consistent with the grain of the character area, community green infrastructure and the management of watercourses; whilst also agreeing with him that the proposal would have an adverse impact on the character and appearance of the landscape, contrary to the development plan and which would not be adequately mitigated by the design philosophy for the scheme. On balance, therefore, the Secretary of State agrees with the Inspector that the landscape and visual effects would cause significant harm.

Effect on heritage assets

14. For the reasons given at IR9.147-9.184, the Secretary of State agrees with the Inspector's conclusion at IR9.186 that the proposed development would have an adverse impact on the setting of the grade II* listed building at Saint Mary's church, Fleet Marston, amounting to less than substantial harm. He agrees that the claimed benefits of a wider use for the church and funds for repair and maintenance would not offset the harm to a material degree even if they could be guaranteed by a robust funding mechanism. The Secretary of State therefore agrees with the Inspector that significant weight attaches to the harm that would be caused to the setting of the church.
15. The Secretary of State also agrees (IR9.185) that the proposed development would not result in substantial harm to the setting of the grade II listed Fleet Marston farmhouse but that the removal of the large sheds and their replacement with more appropriate new buildings would allow a more fitting setting and better reveal the significance of the heritage asset.

Sustainability in terms of highways and transportation

16. Having carefully considered the Inspector's discussion at IR9.187-9.231, the Secretary of State agrees with him at IR9.232-9.235 that there are two elements which call into question the ability of the appeal scheme to provide the substantial sustainability benefits which the appellants claim. The first of these is the limited width of the railway bridge over the A41 which results in a significant constraint to achieving a high quality route for pedestrians and cyclists in the direction of Aylesbury and the adverse impact which this is likely to have on sustainable travel patterns; and the second is the extent to which bus provision would be capable of being realised and operated viably in the manner envisaged by the appellants. The Secretary of State agrees with the Inspector (IR9.235) that these two factors, in combination, go to the heart of achieving travel by sustainable modes, outweigh the important benefits which would otherwise have been

realised by the project and undermine the expressed vision of creating a connected, sustainable urban extension.

Effect of the HS2 proposals

17. For the reasons given at IR9.236-9.242, the Secretary of State agrees with the Inspector's conclusion at IR9.243 that, as things currently stand, the proposals for HS2 neither add support to, nor undermine, the Appeal A proposals. He give them no weight.

Conditions and obligations

18. The Secretary of State has considered the proposed conditions and the Inspector's comments on them at IR9.244-9.303 and 9.347-9.348. He is satisfied that the conditions recommended by the Inspector at Annex D(ii) to the IR are reasonable and necessary and meet the tests of the Framework and the guidance. However, he does not consider that these overcome his reasons for refusing the appeal.

19. Furthermore, having carefully considered the Inspector's points at IR9.304-9.346, the Secretary of State agrees with his conclusion at IR9.349 that the undertaking would fail to mitigate the impacts of the development and make it acceptable in planning terms; and with his reservation at IR9.346 and IR9.350 about the extent to which the bus provision is capable of being realised and operated viably. The Secretary of State does not therefore consider that the provisions of the obligations are sufficient to overcome his concerns with the proposed scheme as identified in this decision letter.

Overall planning balance

20. For the reasons given at IR9.351-9.390, the Secretary of State agrees with the Inspector that, as the Council accept that they cannot demonstrate a five-year supply of deliverable housing sites, the terms of the Framework imply that permission should be granted for the Fleet Marston scheme unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The Secretary of State also agrees with the Inspector at IR9.355 that the proposed development would be consistent with the economic and social roles of sustainable development by facilitating growth and providing homes.

21. However, for the reasons given at IR9.356-9.367 and IR9.383-9.384, the Secretary of State agrees with the Inspector at IR9.369 that the proposed urban extension would fail to contribute to the protection and enhancement of the natural and historic environment and so would not be consistent with the environmental dimension of sustainable development. He also agrees with the Inspector at IR9.375 and IR9.385-9.386 that the lack of clarity and certainty about bus service provision and the quality of the singular route to Aylesbury – particularly for pedestrians and cyclists - are inherent weaknesses which outweigh the transport related benefits which the development would deliver and count against the project as a whole.

APPEAL B: HAMPDEN FIELDS

Landscape and visual effects

22. The Secretary of State has carefully considered the Inspector's points on the Southern Vale Landscape Character Area (IR9.398-9.403, adjacent Landscape Character Areas (IR9.404-9.406), views from the Chilterns AONB (IR9.407-9.414), views towards the Chilterns AONB (IR9.415-9.418) and the impact on visual amenity for local residents (IR9.419-9.425); and he agrees with the Inspector's conclusions at IR9.426-9.429 that

the only significant adverse impact to be carried into the overall planning balance is the harmful effect on the character of the Southern Vale Landscape Character Area as an entity, with no material impact on adjacent character areas.

Coalescence and settlement identity

23. Having given careful consideration to the Inspector's discussion and reasoning at IR9.433-9.461, the Secretary of State agrees with his conclusions at IR9.462-9.472 and IR9.627-9.630. In particular, the Secretary of State agrees that, while the appeal site can properly be regarded as an intended garden suburb for Aylesbury, its impact would be greater on Stoke Mandeville and the focus of new recreation facilities between Stoke Mandeville and Weston Turville would draw the appeal site together with those two established settlements. This would result in a fundamental change to the eastern part of Stoke Mandeville through coalescence and some weakening of the northern edge of Weston Turville, with the wider loss of open countryside as part of its setting (IR9.462-468). He therefore also agrees (IR9.469) that the appeal scheme would conflict with Policy RA.2 of AVDLP and would be at odds with the Landscape Character Area guidelines (IR9.470). The Secretary of State further agrees with the Inspector (IR9.472) that local opposition to the scheme and the significant value of the appeal site to the local community are also matters to be considered in the overall planning balance.

Heritage assets

24. For the reasons given at IR9.473-9.486, the Secretary of State agrees with the Inspector at IR9.487-9.488 and IR9.631-9.632 that the appreciation of the intrinsic value of the field boundaries of Hampden Fields as an element of historic and social change would be seriously compromised and the fundamental nature of West End Ditch would be diminished; and that both of these weigh against the development in the overall balance. However, the Secretary of State also agrees with the Inspector (IR9.489 and IR9.633) that the limited loss of ridge and furrow would be neutralised by the benefit of securing protection and management for the greater part of the feature.

Best and most versatile agricultural land

25. The Secretary of State agrees with the Inspector (IR9.490-9.494 and IR9.636) that the scheme would involve loss of some of the best and most versatile agricultural land within the site and that much of the Appeal A site is of lower quality. He agrees with the Inspector that this is a negative matter to be applied in the overall planning balance for the Appeal B scheme.

Highways and Transportation

26. The Secretary of State has given very careful consideration to the Inspector's analysis of the impacts of the Appeal B scheme on highways and transportation issues at IR9.495-9.580, and agrees with his conclusions at IR9.581-9.586 and IR9.637-9.645. In particular, he agrees that financial contributions for improving road conditions and the attractiveness of public transport are material considerations. He also agrees that the appeal scheme would compound the difficulties and delays currently experienced on part of the network which is already subject to considerable stress, so that mitigation would be essential in order to make the development acceptable, especially with regard to the Walton Street gyratory.

27. Like the Inspector, the Secretary of State has taken account of the fact that a scheme of mitigation has evolved for the Walton Street gyratory, but that its final form leaves a number of matters uncertain and any such scheme could only be implemented, and any prior planning permission for the Appeal B scheme realised, consequent on the

confirmation of a Traffic Regulation Order which would be subject to its own consent regime. The Secretary of State agrees with the Inspector at IR9.586 that the benefits of such a scheme would be substantial. However, he also agrees (IR9.645) that it would not make sound planning sense to approve a major urban extension with known highway deficiencies, an incomplete solution and uncertainties about deliverability until it can be demonstrated that the full effects of the appeal scheme can be mitigated, managed and implemented.

Conditions and obligations

28. The Secretary of State has considered the proposed conditions and the Inspector's comments on them at IR9.587-9.596 and IR9.646. He is satisfied that the conditions recommended by the Inspector at Annex E(ii) to the IR are reasonable and necessary and meet the tests of the Framework and the guidance. However, he does not consider that these overcome his reasons for refusing the appeal.
29. With regard to the planning obligations, the Secretary of State agrees with the Inspector (IR9.617-9.622) that the provisions are compliant with the Community Infrastructure Levy Regulations 2010. However, and having particular regard to the uncertainties surrounding the timing of the Walton Street Gyratory, the Secretary of State does not consider that they are sufficient to overcome his concerns with the proposed scheme as identified in this decision letter.

Overall planning balance

30. For the reasons given at IR9.623-9.657, the Secretary of State agrees with the Inspector (IR9.652) that the benefits of the project would be very substantial and sufficient to outweigh the shortcomings of all but one of the main considerations, both individually and cumulatively. However, he also agrees (IR9.653) that the single issue of highways and transportation needs to be balanced against the advantages of a project which would deliver homes and jobs in a manner consistent with government policy. As the Inspector concludes, the key element of the Walton Street gyratory would be subject to a separate consenting regime, the successful outcome of which could not be guaranteed and, without which, any planning permission for the appeal scheme could not be fulfilled. The Secretary of State therefore agrees with him (IR9.657) that these drawbacks are considerable and provide a telling balance against what would otherwise be an acceptable scheme.

APPEALS C & D: WEEDON HILL

The landscape and visual effects

31. Having given careful consideration to the Inspector's analysis at IR9.658-9.684, the Secretary of State agrees with him at IR9.685 that Buckingham Park has a clearly defined and robust boundary with the open countryside and that, even with the proposed mitigation measure, the proposed developments (whether those included in Appeal scheme C or D) would have significant impacts on the character of the landscape and cause identifiable harm to its appearance. The Secretary of State therefore also agrees with the Inspector that, insofar as AVDLP Policy GP.35 is a landscape protection policy, the proposal would be in conflict with the development plan.

Conditions and obligations

32. The Secretary of State has considered the proposed conditions and the Inspector's comments on them in respect of Appeal C at IR9.686-9.692 and in respect of Appeal D at IR9.693-9.694. He is satisfied that the conditions recommended by the Inspector at

Annex F(ii) to the IR in respect of Appeal C and at Annex G(i) in respect of Appeal D are reasonable and necessary and meet the tests of the Framework and the guidance. However, he does not consider that these overcome his reasons for refusing these appeals.

33. With regard to the planning agreements with Aylesbury Vale District Council (IR9.695-9.703), the Secretary of State agrees with the Inspector that all the provisions except that relating to the policing contribution are compliant with the Community Infrastructure Levy Regulations 2010. The Secretary of State also agrees with the Inspector that the planning agreements with Buckinghamshire County Council (IR9.704-9.707) are similarly compliant. However, the Secretary of State does not consider that the provisions set out in these agreements are sufficient to overcome his concerns with the proposed Appeal C and D schemes as identified in this decision letter.

Overall planning balance

34. For the reasons given by the Inspector at IR9.708-9.713, the Secretary of State agrees with his conclusions therein. In particular, the Secretary of State agrees that, with either Appeal scheme C or D, the proposed development would spill out beyond the generally effective containment and natural outline of Buckingham Park and climb, prominently, to an undefined ridgeline boundary which would require deep, uncharacteristic buffer planting to form a delineating feature (IR9.708). It would be at odds with one of the key characteristics of the Northern Vale Landscape Character Area and manifestly intrusive (IR9.709). The Secretary of State also agrees that the proposed park and ride facility would sit in isolation without physical connection, or even close association with the built-up area, belittling the low lying vale landscape of the Hulcott Vale Landscape Character Area and having an insensitive impact on the appearance of the landscape (IR9.720).
35. However, like the Inspector, the Secretary of State has weighed these against the benefits of the scheme, particularly the delivery of much needed homes and jobs, as well as the other benefits referred to at IR9.711; and he agrees with the Inspector's conclusions (IR9.712-9.713) that the significant benefits of either scheme are far outweighed by the harm identified. Each scheme would be in conflict with AVDLP Policy GP.35 and would not be sustainable development in the terms of the policies of the Framework when read as a whole.

Overall conclusion

36. Overall, while recognising the important contribution which each of the appeal schemes would make to the social and economic wellbeing of the area, particularly through the provision of much-needed housing, the Secretary of State considers that, in each case, there are adverse factors which significantly and demonstrably outweigh the benefits of the particular scheme. In the case of Appeal A, the proposed development would not contribute to the environmental role of sustainable development and would fall short on the promotion of sustainable transport. In the case of Appeal B, the drawbacks of being dependent on a separate consenting regime to resolve the serious implications for the highway network outweigh the benefits that would be provided if the scheme were able to proceed on a timely basis. And in the case of Appeals C and D, the Secretary of State considers that the significant impacts on the character of the landscape and the harm to its appearance outweigh any benefits as well as bringing it into conflict with the development plan.

Formal Decision

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. He hereby dismisses your clients' appeals in respect of:

A – Application ref: 10/01504/AOP dated 19.07.2010 by Barwood Land and Estates Limited, and refused on 25.07.2012, for 2,745 dwellings, 30,000m² employment space, school, care home, railway station;

B – Application ref: 12/00605/AOP by the Hampden Fields Consortium, dated 12.03.12 and amended on 02.11.12. The appeal was against the failure of the Council to determine the application for up to 3,000 dwellings, care home, land for a Park & Ride facility and a waste recycling facility, employment land, 2 schools, mixed-use local centre, and multi-functional green infrastructure;

C – Application ref: 12/00739/AOP by Hallam Land Management Limited, dated 30.03.12. The appeal was against the failure of the Council to determine the application for up to 120 dwellings, employment development and Park & Ride facility;

D – Application ref: 12/02850/AOP by Hallam Land Management Limited, dated 19.12.12 and refused on 12.04.13 for up to 220 dwellings and a Park and Ride facility on the same site as (C).

Right to challenge the decision

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

39. A copy of this letter has been sent to the Council. A notification e-mail / letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

JEAN NOWAK

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by David M H Rose BA (Hons) MRTPI

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

Date: 1 September 2014

Town and Country Planning Act 1990

Aylesbury Vale District Council

Appeal A: Barwood Land and Estates Limited

Fleet Marston Farm, Fleet Marston, Aylesbury, HP18 0PZ

Appeal B: The Hampden Fields Consortium

Land at south east Aylesbury, located to the east of A413 Wendover Road
and south west of A41 Aston Clinton Road, Aylesbury, HP21 9DF

Appeals C & D: Hallam Land Management Limited

Land north of Weedon Hill Major Development Area,
Adjoining A413 Buckingham Road, Aylesbury, HP22 4DP

Inquiry (Appeals A, B and C) opened on 25 June 2013 and closed on 9 December 2013
Inquiry (Appeal D) opened on 15 October 2013 and closed on 9 December 2013

File references:

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; &
APP/J0405/A/12/2197073

CONTENTS	Page
Section 1: Introduction	3
Section 2: The Case for Aylesbury Vale District Council	18
Section 3: The Case for Barwood Land and Estates Limited	89
Section 4: The Case for The Hampden Fields Consortium	142
Section 5: The Case for Hallam Land Management Limited	193
Section 6: The Case for The Hampden Fields Action Group	211
Section 7: The Case for Arnold White Estates Limited	218
Section 8: The Cases for Other Parties	221
Section 9: Inspector's Conclusions	235
Section 10: Inspector's Recommendations	334
Annex A: Appearances	335
Annex B: Core Documents	339
Annex C: Proofs of Evidence and Related Documents	363
Annex D(i): Draft Planning Conditions (Fleet Marston)	370
Annex D(ii): Recommended Planning Conditions (Fleet Marston)	386
Annex E(i): Agreed Draft Planning Conditions (Hampden Fields)	397
Annex E(ii): Recommended Planning Conditions (Hampden Fields)	408
Annex F(i): Agreed Draft Planning Conditions (Weedon Hill: Mixed-use)	417
Annex F(ii): Recommended Planning Conditions (Weedon Hill: Mixed-use)	422
Annex G(i): Agreed Draft Planning Conditions (Weedon Hill: Residential)	426
Annex G(ii): Recommended Planning Conditions (Weedon Hill: Residential)	431

APPEAL A

File Ref: APP/J0405/A/12/2181033

Fleet Marston Farm, Fleet Marston, Aylesbury, HP18 0PZ

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission with all matters reserved for later approval.

The appeal is made by Barwood Land and Estates Limited against the decision of Aylesbury Vale District Council.

The application, reference 10/01504/AOP, dated 19 July 2010, as amended on 26 January 2012, was refused by notice dated 25 July 2012.

The development proposed is a mixed-use sustainable urban extension to Aylesbury, comprising: -

- o 2,745 dwellings;
- o 30,000 sq m of employment (Use Classes B1/B8) floorspace;
- o a primary school and a reserve second primary school;
- o up to 3,050 sq m of retail (Use Class A1 – A5) floorspace;
- o a 60-bed care home with 20 close-care apartments;
- o 1,300 sq m of multi-functional community space (Use Class D1);
- o a doctor's surgery;
- o a gym;
- o a community recycling facility;
- o multi-functional green infrastructure (106.8 ha) including parkland, sports pitches, children's play areas, informal open space, interpretation facilities and centres, allotments, community orchards, woodland, surface water attenuation and land remaining in small scale, low intensity, productive agricultural use;
- o vehicular access from up to five locations along the A41;
- o internal roads, streets, lanes, squares, footpaths and cycleways; and
- o a railway station.

Summary of Recommendation: The appeal be dismissed

APPEAL B

File Ref: APP/J0405/A/12/2189277

Land at south east Aylesbury, located to the east of A413 Wendover Road and south west of A41 Aston Clinton Road, Aylesbury, HP21 9DF

The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Aylesbury Vale District Council to determine an outline planning application with all matters reserved.

The appeal is made by the Hampden Fields Consortium.

The application, reference 12/00605/AOP, was dated 12 March 2012, and was amended on 2 November 2012.

The development proposed is a mixed-use sustainable urban extension comprising: -

- o up to 3,000 dwellings and a 60 bed care home/extra care facility (Use Class C2/C3);
- o provision of land for a Park and Ride site and a Waste Recycling Facility adjoining the A41 Aston Clinton Road;
- o a total of 9.45 ha of employment land (comprising of up to 40,000 sq m B1/B2/B8 uses);

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

- link road between A413 Wendover Road and A41 Aston Clinton Road;
- provision of two primary schools (both 3 form entry);
- a mixed-use local centre (4.09 ha) comprising of a 1,200 sq m (GFA) food store, further retail (including a pharmacy), restaurants and café units, a doctor's surgery, gym, public house with letting rooms, professional services, and a multi-functional community space and day nursery;
- multi-functional green infrastructure (totalling 103.13 ha) including parkland, sports pitches, sports pavilion, children's play areas, informal open space, allotments, community orchards, woodland, landscaping and surface water attenuation; strategic flood defences; vehicular access points from New Road, Marroway, A413 Wendover Road and A41 Aston Clinton Road; and
- internal roads, streets, lanes, squares, footpaths and cycleways.

Summary of Recommendation: The appeal be dismissed and planning permission be refused

APPEAL C

File Ref: APP/J0405/A/12/2189387

Land north of Weedon Hill Major Development Area, Adjoining A413 Buckingham Road, Aylesbury, HP22 4DP

The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Aylesbury Vale District Council to determine an outline planning application with all matters, other than access, reserved for later approval.

The appeal is made by Hallam Land Management Limited.

The application, reference 12/00739/AOP, was dated 30 March 2012.

The development proposed is B1 employment development, residential development of up to 120 units and a park and ride facility.

Summary of Recommendation: The appeal be dismissed and planning permission be refused

APPEAL D

File Ref: APP/J0405/A/12/2197073

Land north of Weedon Hill Major Development Area, Adjoining A413 Buckingham Road, Aylesbury, HP22 4DP

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission with all matters, other than access, reserved for later approval.

The appeal is made by Hallam Land Management Limited against the decision of Aylesbury Vale District Council.

The application, reference 12/02850/AOP, dated 19 December 2012, was refused by notice dated 10 April 2013.

The development proposed is up to 220 residential units and a park and ride facility.

Summary of Recommendation: The appeal be dismissed

1. Introduction

Procedural matters

- 1.1 The evidence for appeals A, B and C was presented on 25 - 28 June; 2 - 5 July; 9 - 12 July; 30 July - 2 August; 6 - 9 August; 13 - 16 August; 29 October - 1 November; and 5 - 8 November 2013.¹
- 1.2 The evidence for appeal D was given on 15 and 16 October 2013. Closing submissions for all four appeals were heard on 9 December 2013. Given the overlapping nature of the two Inquiries reference in the report to 'the Inquiry' covers both events.
- 1.3 Accompanied site visits for appeals A and B took place on 12 November 2013 and those for Appeals C and D were held on 17 October 2013. Extensive unaccompanied site visits were made before and during the course of the Inquiry.
- 1.4 Proofs of evidence as originally submitted are included as Inquiry documents; but their content may have been affected by oral evidence, concessions and corrections. Full written closing submissions are also available and these were supplemented by oral summaries and responses.
- 1.5 Each appeal site will be referred to in short form throughout this report: - appeal A ('Fleet Marston'); appeal B ('Hampden Fields'); appeal C ('Weedon Hill mixed-use'); and appeal D ('Weedon Hill residential'). 'Weedon Hill' will be used when referring to both proposals in common.
- 1.6 Similarly, each of the promoters will be referred to as 'Barwood'; 'the Consortium'; and 'Hallam' respectively.
- 1.7 During the course of the Inquiry a number of oral rulings (recorded in a subsequent written note) were made. Particular attention is drawn to: -
 - (a) submissions in relation to the progress of proposals for the High Speed 2 rail route (HS2) and potential impacts on the Fleet Marston scheme;²
 - (b) submissions concerning the Statement of Common Ground on Highway and Transport Matters (Hampden Fields);³
 - (c) submissions relating to Grampian conditions: Saint Mary's church, Fleet Marston;⁴
 - (d) the appearance at the Inquiry of Buckinghamshire County Council's Consultant Lead Development Management Officer, Highways and Transportation;⁵ and
 - (e) the arrangements for closing submissions.⁶

¹ The landscape evidence for Appeal C was heard with Appeal D

² Document X2

³ Documents X4; X8

⁴ Document X5

⁵ Document X10

⁶ Documents X11; X12

- 1.8 On the final day of the Inquiry I was asked to rule on the admissibility of additional material relating to HS2 following the introduction of the Hybrid Bill for Phase 1 which was given its first reading in the House of Commons on 25 November 2013. The Council sought to inform the Inquiry of the most up-to-date position insofar as the project had potential implications for Fleet Marston; but this was opposed by Barwood as it would have placed the appellant in an unfair position of not being able to respond during the course of the Inquiry.⁷
- 1.9 After a short adjournment it was agreed that no new information would be placed before the Inquiry; the Council would make written submissions to the Secretary of State within 7 days from the close of the Inquiry; Barwood would respond within a further period of 21 days; and if that were to raise any evidential issues further responses, within 14 days, would be made. All other principal parties to the Inquiry would be provided with copies of the correspondence and given the opportunity to make representations.
- 1.10 In addition, at the close of the Inquiry the planning obligation between Barwood and Buckinghamshire County Council remained unsigned; albeit there were no matters of dispute and its signing and engrossment were confirmed to be imminent. Although it would have been possible to allow a further period for submission for consideration as part of this report, contrary views were expressed and in the absence of agreement it was common ground that the concluded agreement should be forwarded directly to the Secretary of State.
- 1.11 However, as the document does not raise any matters of evidence, it has subsequently been provided to me and I have taken its contents into account.⁸
- 1.12 In terms of document numbering the Barwood (BL) series and the Aylesbury Vale District Council series (AV) have, in part, corresponding Core Document numbers (CD). For clarity I have adopted the (BL) and (AV) prefixes; (HF) and (HL) prefixes apply to documents submitted by the Consortium and Hallam respectively. Thereafter core documents are listed as CD (series 3 – 9); Inspector documents are prefixed 'X'; Hampden Fields Action Group documents are annotated HFAG and those submitted on behalf of Arnold White Estates are GG. Documents submitted by other interested parties and persons have appropriate 'unique' prefixes.
- 1.13 The Inquiry Programme Officer up-dated the lists of core documents (Annex C) during the course of the Inquiry; but some of the later documents were not included in the 'final' list provided to me. I have added these following the numbering convention, albeit these may differ from any 'final' version provided to the parties.

⁷ AV1.144

⁸ BL1.97

- 1.14 The Landscape and Visual Impact Assessments for the schemes were undertaken using the *Guidelines for Landscape and Visual Impact: Second Edition (2002)*;⁹ the guidance was replaced by a 'Third Edition' in April 2013.¹⁰ However, it was agreed that the superseded version remained relevant to the preparation of the evidence base and would be used accordingly. In addition, limited references were made to the replacement guidance.

Environmental Statements

- 1.15 Each of the applications for planning permission was accompanied by an Environmental Statement.¹¹ An Addendum Environmental Statement (January 2012) was submitted for Fleet Marston as a result of minor amendments to the project and the provision of related additional information.¹² Hampden Fields also has a Supplementary Environmental Statement (November 2012) following amendments to the scheme.¹³ The Environmental Information, as supplemented by evidence to the Inquiry, has been taken into account.

Recovery for determination

- 1.16 The Fleet Marston appeal was recovered by the Secretary of State¹⁴ by direction dated 9 August 2012. The Hampden Fields appeal and the Weedon Hill residential appeal were similarly recovered on 29 January 2013 and 21 May 2013 respectively. The reason for the directions in each case was: - *the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities*.
- 1.17 Recovery of the Weedon Hill mixed-use appeal was made on 29 January 2013 under the published criterion: - *there may on occasion be other cases which merit recovery because of the particular circumstances. This is because it is most efficiently and effectively decided with appeal references APP/J0405/A/12/2181033 and APP/J0405/A/12/2189277*.¹⁵

Pre-Inquiry meetings

- 1.18 A pre-Inquiry meeting was held, following the submission of the Fleet Marston appeal, on 14 December 2012.¹⁶ The conjoining of the Hampden Fields appeal and the Weedon Hill mixed-use scheme led to a second pre-Inquiry meeting on 12 March 2013.¹⁷

⁹ CD 7.13

¹⁰ CD 7.14

¹¹ BL1.14; HF1.1; HL1.4 (mixed-use); HL un-numbered (residential)

¹² BL1.24

¹³ HF1.4 – HF1.6

¹⁴ Section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990

¹⁵ Appeals A and B

¹⁶ CD 6.4

¹⁷ CD 6.5

The sites and surrounding area

Fleet Marston

- 1.19 The site is located to the north-west of Aylesbury, straddling the A41, within a relatively flat vale floor agricultural landscape. It includes the buildings at Fleet Marston Farm and its grade II listed farmhouse; and the grade II* listed church of Saint Mary which is approached through a reclamation yard (Wayside Farm) and across an open field.¹⁸
- 1.20 Most of the site lies to the south-west of a railway line which is to see the re-introduction of passenger services between Bedford and Oxford, Milton Keynes and Aylesbury as part of the East-West Rail project (Western Section). It will be served by Aylesbury Vale Parkway station and transport interchange (which already provides train services to London) a short distance to the south of the site.
- 1.21 The partially completed Berryfields Major Development Area lies to the north-east of the railway line and, save for the railway, abuts the field containing Saint Mary's church. The settlement of Waddesdon lies north-westward beyond Fleet Marston; and the ridge-top villages of Quainton, Oving, Whitchurch and Hardwick are, generally, in an arc between north-west and north-east.

Hampden Fields

- 1.22 The site lies to the south-east of Aylesbury and consists of generally flat agricultural land. It is divided by New Road which runs between Aston Clinton Road (A41) and Weston Turville.¹⁹
- 1.23 The western parcel, along its north-western boundary, abuts the suburban housing area of Bedgrove and the open space of Bedgrove Park. To the south and east is Weston Turville golf course and the northern edge of Weston Turville. A single field abuts Marroway, which links Weston Turville with Wendover Road (A413) and the settlement of Stoke Mandeville. The western boundary of the site coincides with the eastern edge of Stoke Mandeville, save for a single field break between the modern residential development of Hampden Hall and the edge of Bedgrove.
- 1.24 The eastern parcel has predominantly undeveloped land to the north, with a short line of houses where it adjoins Aston Clinton Road which, with the continuation of Tring Road beyond the roundabout with the Aston Clinton Bypass, defines the north-eastern boundary. The eastern and southern boundaries abut open land.
- 1.25 The Chilterns Area of Outstanding Natural Beauty lies to the south-east of Aylesbury beyond Weston Turville and Wendover.

¹⁸ BL1.10 page 5

¹⁹ HF1.9 page 17

Weedon Hill

- 1.26 Appeals C and D are presented as alternatives on a site to the north of the recently completed Weedon Hill Major Development Area (Buckingham Park) which itself extends Aylesbury northwards on the western side of Buckingham Road (A413). The site is divided by the A413.²⁰
- 1.27 The larger western parcel forms part of a more extensive field. It rises north-westwards to an undefined, curving, boundary. Immediately to the north are the buildings of Weedon Hill Farm; the line of the Aylesbury Western Link Road lies to the south and south-west with its initial spur from the roundabout junction with the A413 serving Buckingham Park by means of a secondary, smaller, roundabout.²¹
- 1.28 The lower part of the site has planning permission for the construction of a park and ride facility (following its allocation for that purpose in the Aylesbury Vale District Local Plan).²²
- 1.29 The eastern parcel, again on sloping land, rises above the meandering River Thame. Its north-western boundary coincides with the garden of Weedon Hill House; but its north-eastern and south-eastern boundaries are generally un-defined or poorly defined by physical features.

Other points of familiarisation

- 1.30 With Fleet Marston to the north-west of Aylesbury, and working clock-wise, Berryfields Major Development Area (under construction) lies to the north-east of the railway.²³ It was allocated for development in the Aylesbury Vale District Local Plan (2004) consisting of some 3,000 houses, employment and a full range of community facilities.²⁴
- 1.31 Moving east, the ensuing swathe of open land contains the Quarrendon (deserted village site) Scheduled Ancient Monument. This area was the subject of an unsuccessful appeal, in 2012, for a mixed-use development including up to 1,380 dwellings and a range of community facilities.²⁵
- 1.32 Beyond this, and still to the north of the town centre, the Weedon Hill Major Development Area was also a local plan allocation with an anticipation of some 850 dwellings, community facilities and land for a park and ride facility.²⁶
- 1.33 Open land extends east of Buckingham Road as far as the residential area of Watermead. Part of this land, and a further area to the east of Watermead, was the subject of an outline planning application for up to 1,560 dwellings, related uses and facilities, and the construction of a new road between A413 and A418 – Bierton Road. As a result of the Council's decision to refuse permission an appeal has been lodged and programmed for Inquiry in November 2014.

²⁰ HL1.6 pages 6 - 9

²¹ which was in the initial stages of construction on the day of my site visit

²² CD 3.3 Policy AY.14(i) & Proposals Map

²³ CD 3.3 Proposals Map

²⁴ CD 3.3 pages 115 - 117

²⁵ CD 5.1

²⁶ CD 3.3 pages 117 – 119 (The MDA as built includes over 1,000 dwellings)

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- 1.34 Beyond this site, lies the settlement of Bierton, to the north-east of Aylesbury town centre. The resulting open land to the south-east (known as Land East of Aylesbury) extending to, and in part beyond, the Grand Union Canal received planning permission in December 2013 (accompanied by a planning agreement under section 106 of the Town and Country Planning Act 1990) for a new urban extension comprising 2,450 houses, employment land, community facilities and the construction of the Eastern Link Road (part) and the Stocklake Link Road (rural section).²⁷
- 1.35 Moving further round from this site, and Broughton, part of the open land extending to Aston Clinton Road (A41) is allocated for a business park and a park and ride site (Aston Clinton Road Major Development Area).²⁸ The recently completed ARLA dairy takes the form of a substantial complex of buildings. Thereafter, to the south of Aston Clinton Road lies the Hampden Fields site.
- 1.36 In terms of highways infrastructure, work is underway on the construction of the Western Link Road to link Buckingham Road (A413) with Bicester Road (A41 – to the north of Aylesbury) running north of Buckingham Park and Quarrendon Scheduled Ancient Monument and then through Berryfields.
- 1.37 In addition, each of the other sites referred to contains elements of highways infrastructure which, if all of the proposals were consented and constructed, would deliver a road link around the eastern side of Aylesbury.²⁹ The development of Hampden Fields would be capable of adding a further link (South Eastern Link Road), westward, to Wendover Road (A413 – south of Aylesbury).³⁰

The planning applications

Fleet Marston

- 1.38 The application, as amended, was made in outline with all matters reserved for later approval. Planning permission was refused, against officer advice, for 4 reasons (in short): - the proposal would be an unacceptable outward linear expansion of Aylesbury, physically separated from the town by the railway and reliant on a single constrained road link, which would not deliver a sustainable urban extension; landscape impacts; unacceptable harm, on balance, to the heritage asset of Saint Mary's church; and, fourthly, the implications of highway infrastructure costs.
- 1.39 The reasons for refusal were 'up-dated' in April 2013 to reflect the revocation of the South East Plan and the resolution of the fourth reason for refusal subject to securing appropriate physical or financial contributions. However, two additional 'reasons for refusal' were added, namely, prematurity in relation to the emerging Vale of Aylesbury Local Plan Strategy 2011- 2031;³¹ and the cumulative highway impacts of the proposed development in combination with the other appeal proposals.

²⁷ AV1.145

²⁸ CD 3.3 pages 119 - 120

²⁹ AV1.93 page 7

³⁰ HF1.7 paragraph 6.114

³¹ AV1.61 - hereafter referred to as the 'Vale of Aylesbury Plan'

- 1.40 The additional highways concerns were subsequently resolved following further assessment.

Hampden Fields

- 1.41 The application, as amended, was not determined by the Council. The putative reasons for refusal were (in short): - prematurity by reference to the emerging Vale of Aylesbury Plan; impacts on the character and appearance of the landscape, including the loss of *'best and most versatile agricultural land'*, and the settlement identity of Weston Turville; the inadequacy of the highways, traffic and transportation information; and viability.
- 1.42 The final reason has been overcome following further information and subject to legal agreements. Extensive further work on highways and transportation matters resulted in the local planning authority withdrawing the related putative reason for refusal; and Buckinghamshire County Council being party to a Statement of Common Ground.³²

Weedon Hill

- 1.43 The Council failed to determine the mixed-use scheme. Its putative reasons for refusal reflect (in short): - concerns about adverse impacts on the character and appearance of the landscape; and cumulative highways impacts. The latter was subsequently resolved. The residential proposal was refused permission on the sole ground of adverse landscape effects.

Statements of Common Ground

Introduction

- 1.44 Whilst the various statements of common ground should be read as a whole, the following extracts are intended to inform the reading of the cases for the parties as subsequently set out.

Fleet Marston

- 1.45 The Statement of Common Ground between Barwood and the local planning authority records the following areas of agreement: -³³
- (a) the level of affordable housing is acceptable and accords with development plan policy (subject to a review mechanism);
 - (b) the amount of employment land as a means of creating a mixed-use development and reducing the need to travel;
 - (c) the proposals are acceptable from a biodiversity perspective subject to the imposition of conditions/planning obligation to secure biodiversity management plans;
 - (d) the provision of green infrastructure would be in accordance with the Aylesbury Vale Green Infrastructure Strategy and it could be secured by conditions and/or obligation;
 - (e) air quality in Aylesbury and contamination are not at issue;

³² CD 6.21; CD 6.25

³³ CD 6.1A paragraphs 6.13 – 6.16, 6.24 – 6.27, 6.29 – 6.32, 6.39, 6.41

- (f) in terms of noise, construction work could be controlled by condition and reserved matters applications would consider the relationship between proposed dwellings and any potential noise source; and, in the event of HS2 proceeding, new housing would be located outside the possible 150 metres buffer zone;
- (g) there are no objections on archaeological grounds subject to conditions;³⁴
- (h) the level and type of services and facilities to be provided within the development would be adequate to meet the requirements arising from the proposed urban extension;
- (i) design codes and detailed designs would be used to ensure energy efficiency;
- (j) there are no objections, confirmed by the Environment Agency, on the issue of flooding or flood risk subject to the imposition of conditions; and
- (k) there are no issues relating to utilities and services.

1.46 The highways Statements of Common Ground, with Buckinghamshire County Council, confirm: -³⁵

- (a) the highway authority raises no objection to the development subject to the implementation of the full A41 Primary Public Transport Corridor Scheme and identified off-site highway improvements;
- (b) the provision of bus services and frequencies as set out in the Transport Assessment;
- (c) the travel plan proposals are considered to be acceptable;
- (d) all of the above to be secured by planning agreement and/or agreement under section 278 of the Highways Act 1980; and
- (e) Fleet Marston would have no material additional impact on the highway network when assessed cumulatively with Hampden Fields and/or Weedon Hill.

Hampden Fields

1.47 The Statements of Common Ground signed by the Consortium and the Council include agreement on the following: -³⁶

- (a) the inclusion of employment land would contribute to the sustainability of the development;
- (b) the proposals would not be likely to have a significant effect on the Chilterns Beechwoods Special Area of Conservation and an Appropriate Assessment is not required;
- (c) the Ecological Mitigation and Management Strategy, secured by condition/obligation would be likely to deliver net gain for biodiversity;
- (d) the identified loss of trees within the development would be negligible and any loss could be mitigated and a net gain achieved through replacement planting as part of a landscaping scheme;

³⁴ CD 6.1A paragraphs 6.29 – 6.32

³⁵ CD 6.2; CD 6.16

³⁶ CD 6.3; CD 6.18

- (e) the green infrastructure proposals would be broadly in accordance with the Aylesbury Vale Green Infrastructure Strategy 2011 – 2026 and consistent with promoting healthy communities;
- (f) the proposed development would provide a significant contribution to the 'Aylesbury Linear Park' Flagship Project;
- (g) there are no issues relating to air quality, noise and contamination;
- (h) the proposal would not have adverse effects on listed buildings or Weston Turville Conservation Area; and there is no dispute in relation to archaeology;
- (i) the Environment Agency has no objection subject to conditions to secure the implementation of measures set out in the Flood Risk Assessment;
- (j) there would be no direct adverse impact on the living conditions of existing residents where the development is proposed to abut existing dwellings;
- (k) the proposed development would maximise the use of existing capacity in utility services; and
- (l) the heads of terms, and compliance with the Community Infrastructure Levy Regulations 2010, in relation to planning obligations.

1.48 The Statement of Common Ground entered with Buckinghamshire County Council as highway authority sets out the matters below: -³⁷

- (a) agreement on network impact and operation and necessary mitigation;
- (b) confirmation that the site would be well connected as a result of proposed improvement works to pedestrian and cycle infrastructure;
- (c) acceptance of an updated travel plan for appending to a planning agreement;
- (d) endorsement of the Public Transport Strategy including a £370,000 contribution to enhanced bus services; and
- (e) approved off-site highway mitigation works.

Weedon Hill

1.49 Matters agreed between Hallam and the District Council include: -³⁸

- (a) there is no issue of prematurity having regard to the relative scale of the proposed developments;
- (b) there are no issues, subject to conditions or obligations, relative to archaeology; biodiversity; ecology; ground conditions; contamination; flood risk and surface water drainage; noise; and utilities and services;
- (c) there are no highway issues on a stand-alone basis;
- (d) the location and access arrangements for the provision of the park and ride facility (on the opposite side of Buckingham Road to that previously approved) represents the preferred transport approach in order to intercept traffic approaching Aylesbury;
- (e) the proposed dwellings could form part of those which the emerging Vale of Aylesbury Plan identifies as needed (on unallocated sites);
- (f) the development would deliver a mix of dwellings with an appropriate level of affordable housing (35%); and

³⁷ CD 6.21

³⁸ CD 6.13; CD 6.24

- (g) the proposed development would be well placed to take advantage of social and community facilities in Buckingham Park and to use public transport along Buckingham Road connecting with the town centre, bus station and railway station.

1.50 A Statement of Common Ground on Cumulative Traffic Impact confirms that the impact of either the mixed-use scheme or the residential scheme would, when added to Fleet Marston and Hampden Fields, be no worse than the stand-alone proposals. As such the purported reason for refusal on cumulative impact was not pursued.³⁹

Planning policy

1.51 The development plan for the purpose of these appeals comprises the 'saved' policies of the Aylesbury Vale District Local Plan.⁴⁰ The South East Plan was revoked on 25 March 2013. Its two retained policies remain part of the development plan but they are not relevant to the consideration of the appeals.

1.52 Saved Policies in the Aylesbury Vale District Local Plan include: -⁴¹

- (a) GP.2 Affordable Housing;
- (b) GP.3 Low Cost Market Housing;
- (c) GP.8 Protection of the Amenity of Residents;
- (d) GP.35 Design of New Development Proposals;
- (e) GP.38 Planting and Soft Landscaping;
- (f) GP.39 Existing Vegetation;
- (g) GP.40 Black Poplars;
- (h) GP.41 Lighting;
- (i) GP.45 Safe and Secure Development;
- (j) GP.59 Archaeology;
- (k) GP.86 Outdoor Play Space;
- (l) GP.87 Application of Open Space Policies;
- (m) GP.88 Funds Provided in Lieu of Providing Outdoor Space;
- (n) GP.89 Access, Location and Design of Outdoor Playing Space;
- (o) GP.90 Provision of Indoor Facilities;
- (p) GP.91 Provision of Amenity Areas;
- (q) GP.94 Community Facilities and Services;
- (r) AY.1 Aylesbury Land Use/Transport Strategy;
- (s) AY.13 Berryfields;
- (t) AY.14 Weedon Hill;
- (u) AY.15 Aston Clinton Road;
- (v) RA.2 Coalescence of Settlements; and
- (w) RA.8 Other Important Landscapes (Areas of Attractive Landscape and Local Landscape Areas).

³⁹ CD 6.24: Appendix 1

⁴⁰ CD 3.3; CD 3.4

⁴¹ In the reporting of the cases and conclusions 'saved' is omitted to avoid repetition

-
- 1.53 During the course of the Inquiry evidence was presented against the background of the proposed submission Vale of Aylesbury Plan.⁴²
- 1.54 In this regard the plan seeks to establish the spatial distribution strategy for both houses and jobs in the district through Policy VS2 (6,000 additional jobs and 13,500 additional houses⁴³ over the plan period to 2031). It also addresses the location of growth by specifying where the new homes are to be delivered (Aylesbury, Buckingham and the Southern and Northern Vale). In Aylesbury it proposes 800 additional houses in the urban area over and above the existing commitment of 2,450 houses at Aylesbury East Major Development Area (Land East of Aylesbury) and 140 additional houses in the Aylesbury Sub-Market.⁴⁴
- 1.55 The Vale of Aylesbury Plan was submitted for Examination on 12 August 2013.⁴⁵ The initial hearings, in relation to housing need and supply and the duty to cooperate, were due to be heard on 12 and 13 December 2013 (immediately following the close of the Inquiry into these appeals); and subsequent hearings were programmed for weeks commencing 17 and 24 February 2014.
- 1.56 It was anticipated that the outcome of these sessions would not be known to me; but the Secretary of State would have that information to be considered alongside my report. However, subsequent representations from the appellants (following reference back to the parties as a result of the government publishing its National Planning Practice Guidance on 6 March 2014) included information to the effect that the Examining Inspector had concluded that the plan had failed to objectively assess the full housing need for the district; and the duty to cooperate had not been fulfilled. Accordingly, the local planning authority, on 5 February 2014, formally determined to withdraw the plan.
- 1.57 In the cases for each of the respective parties I have recorded the gist of the evidence presented and submissions made, albeit some of that has been overtaken by the above events. Whilst the matter concerning the duty to cooperate has been determined, the questions relating to housing need and whether the district has a five year supply of housing land remain as relevant considerations.

Context

- 1.58 Jacobs Engineering UK Ltd (Jacobs) published a suite of documents which were ultimately used to inform the preparation of the Aylesbury Vale Local Development Framework Core Strategy and the Council's evidence base: -
- (a) ***Aylesbury Vale Environmental Character Assessment: Environmental Character Assessment - Aylesbury (April 2006)***⁴⁶ identifying statutory and other constraints in addition to a combined assessment of the wider landscape in terms of ecology, landscape character and historic environment;

⁴² AV1.61

⁴³ The figure in VS2 refers to 3,550 (this is additional to existing commitments – the overall total amounts to 13,500)

⁴⁴ AV1.61 Table 2 (page 22)

⁴⁵ AV1.135

⁴⁶ AV1.15

-
- (b) **Aylesbury Vale Environmental Character Assessment: Landscape Character Assessment - Aylesbury (April 2006)**⁴⁷ was prepared to inform the Aylesbury Vale Environmental Character Assessment;
 - (c) **Aylesbury Vale Landscape Character Assessment (May 2008)**⁴⁸ identified 79 landscape character areas grouped within 13 landscape character types;
 - (d) **Aylesbury Vale: Areas of Sensitive Landscape (October 2008)**⁴⁹ which reviewed the then existing local landscape designations with a view to drafting a criteria-based policy;
 - (e) **Potential Development Areas around Aylesbury: Landscape Impact Assessment (October 2008)**⁵⁰ (to be read in conjunction with (f) and (g) below) to provide a comparative strategic assessment of landscape impact for seven Potential Development Areas around Aylesbury both individually and in four combinations;
 - (f) **Potential Development Areas around Aylesbury: Visual Impact Assessment (October 2008)**⁵¹ and
 - (g) **Potential Development Areas around Aylesbury: Comparative Assessment of Landscape and Visual Impact (October 2008)**⁵² which summarises the findings of (e) and (f) and concludes on the relative merits of the identified growth options.

1.59 The latter three documents identified Potential Development Areas as follows: -⁵³

- Area A: land at Fleet Marston (including the land the subject of Appeal A);
- Area B: land between Berryfields and Weedon Hill (including Quarrendon Fields and the western parcel of Appeals C and D);
- Area C: land at Watermead;
- Area D: Broughton Crossing (including Land East of Aylesbury);
- Area E: land south-east of Aylesbury (generally the area of Appeal B);⁵⁴
- Area F: land between Aylesbury and Stoke Mandeville; and
- Area G: land south-west of Aylesbury.

1.60 The above Potential Development Areas were amalgamated into four growth options: -

1. Northern Growth Option (Development Areas A, B and C);
2. Eastern Growth Option (Development Areas C, D and E);
3. Southern Growth Option (Development Areas E, F and G); and
4. South and East Hybrid Growth Option (Development Areas D, E, G and the northern part of F).⁵⁵

⁴⁷ AV1.33

⁴⁸ AV1.14

⁴⁹ AV1.17

⁵⁰ AV1.35

⁵¹ AV1.36

⁵² AV1.19

⁵³ AV1.36 Figure 1

⁵⁴ But with some marked differences

⁵⁵ AV1.36 Figure 2

-
- 1.61 The *Comparative Assessment* concluded that the Northern Growth Option was the least suitable for development; the Eastern Growth Option was ranked in second place; and the two alternative Southern Growth Options were assessed as the most suitable for development.⁵⁶
- 1.62 The Proposed Submission Core Strategy Local Development Framework⁵⁷ identified greenfield land to the east of Aylesbury as the most suitable location to accommodate growth (the Aylesbury Growth Arc). It comprised three sites: - land to the north-west of Bierton; land to the south-east of Bierton; and land south-east of Aylesbury (Aylesbury South East).
- 1.63 The Inspector appointed to undertake the Core Strategy Examination ('the Core Strategy Inspector') released an Interim Report, in June 2010, seeking the parties' views on three matters which had arisen after the hearings into the soundness of the Core Strategy had taken place.⁵⁸ The third of those indicated that the Inspector had '*some serious concerns about the strategy for a growth arc to the east of Aylesbury*'.
- 1.64 He continued: -
'..... I consider the Aylesbury South East site to be the best performing element of the proposals and should be included in any strategy. However I am not convinced that this site should definitely be combined with linked sites either to the east or west.
- I am therefore requesting the Council, in conjunction with the site promoters, to investigate combining the South East site with the Fleet Marston site and one other site, to show how the South East Plan requirement can be met in a different way from the 'growth arc' option Although this preliminary finding provides an indication as to how the Core Strategy might be changed to make it sound, I would need to see the outcome of this further work and the nature of any representations before reaching a firm conclusion about the most appropriate way to meet the substantial housing growth at Aylesbury'.*
- 1.65 The Council, in response to the first of the matters raised by the Inspector, concerning the Secretary of State's announced abolition of Regional Strategies, indicated that it was no longer prudent to continue with the Core Strategy pending its own assessment as to the appropriate level of growth for the district.⁵⁹ By letter dated 9 September 2010 the Council formally requested the Secretary of State's direction to withdraw the Core Strategy.⁶⁰ The direction was made on 5 October 2010.⁶¹

Main considerations

- 1.66 The following broad considerations, which apply to a greater or less extent to the individual appeal proposals, were identified at the beginning of the Inquiry: -⁶²

⁵⁶ AV1.36 page 7

⁵⁷ AV1.7 – hereafter referred to as the 'Core Strategy'

⁵⁸ AV1.8

⁵⁹ AV1.105

⁶⁰ AV1.107; AV1.114

⁶¹ AV1.108

⁶² X1

- A. the extent to which the proposals would be in accordance with the development plan; and
 - B. if the development plan is absent, silent or relevant policies are out of date, whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so when assessed against the policies in the National Planning Policy Framework;
 - C. in either event, as appropriate to the individual site, particular regard is to be had to whether the proposals would deliver sustainable development taking account of: -
 - (i) housing and employment land supply;
 - (ii) landscape, settlement pattern and settlement identity;
 - (iii) cultural heritage;
 - (iv) design of development;
 - (v) highways and transportation;
 - (vi) biodiversity;
 - (vii) loss of greenfield land;
 - (viii) provision of infrastructure and whether planning obligations would make adequate provision to sufficiently mitigate the impact of the development as proposed;
 - (ix) impacts on the plan preparation process;
 - (x) any benefits of the projects to be considered in the overall planning balance.
 - D. With sole reference to Fleet Marston, whether the proposal would conflict with the government's objective to build part of the High Speed 2 (HS2) railway route through part of the appeal site.
- 1.67 As a result of the evidence heard, the main considerations applicable to each proposal are defined more specifically below.
- 1.68 In relation to Fleet Marston and Hampden Fields there are two principal preliminary matters: -
- (a) firstly, whether Aylesbury Vale has a five year supply of housing land; and
 - (b) secondly, whether a financial contribution should be made towards the provision of premises, personnel and equipment sought by Thames Valley Police.
- 1.69 Site specifically, in relation to Fleet Marston, the individual main considerations are: -
- (a) the first main consideration: the landscape and visual effects of the proposed development;
 - (b) the second main consideration: the impact of the proposal on heritage assets having particular regard to Saint Mary's church, a grade II* listed building;
 - (c) the third main consideration: the sustainability of the proposed urban extension in terms of highways and transportation;
 - (d) the fourth main consideration: the effects of the HS2 proposals;
 - (e) the fifth main consideration: the consideration of conditions and obligations; and

(f) the sixth main consideration: the overall planning balance.

1.70 For Hampden Fields the main considerations are: -

- (a) the first main consideration: the landscape and visual effects of the proposed development;
- (b) the second main consideration: whether the proposed urban extension would result in coalescence and loss of settlement identity;
- (c) the third main consideration: the impact of the proposal on heritage assets having particular regard to historic field patterns;
- (d) the fourth main consideration: the loss of best and most versatile agricultural land;
- (e) the fifth main consideration: the highways and transportation implications of the proposed development;
- (f) the sixth main consideration: the consideration of conditions and obligations; and
- (g) the seventh main consideration: the overall planning balance.

1.71 In relation to the Weedon Hill appeals the main considerations are: -

- (a) the first main consideration: the landscape and visual effects of the proposed developments;
- (b) the second main consideration: the consideration of conditions and obligations; and
- (c) the third main consideration: the overall planning balance.

1.72 I have set out the reporting of the cases following the order, and under the headings, of the above main considerations for consistency and ease of reference.

Matters following the close of the Inquiry

1.73 Following the publication of the National Planning Practice Guidance⁶³ each of the main parties⁶⁴ was invited to submit comments if it considered that the practice guidance (or the consequent withdrawal of previous planning guidance) had relevance to its case. The responses are summarised in the cases for the respective parties under the heading '*Matters following the close of the Inquiry*'.

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⁶³ Referred to hereafter as Planning Practice Guidance

⁶⁴ Aylesbury Vale District Council; Barwood Land and Estates Limited; the Hampden Fields Consortium; Hallam Land Management Limited; the Hampden Fields Action Group; and Arnold White Estates Limited

2. The Case for Aylesbury Vale District Council

Introduction

2.1 The Council accepts that the extant Aylesbury Vale District Local Plan, which covers the period to 2011, is out-of-date and, as a result, the presumption in favour of sustainable development is engaged.⁶⁵ However, the adverse impacts of each proposal would, if permitted, significantly and demonstrably outweigh their benefits and, irrespective of the five year housing supply position, planning permission should be refused.

The first preliminary main consideration: housing land supply

Withdrawal of the Core Strategy and the South East Plan

- 2.2 The Council has, from the outset in May 2010, sought to engage fully with the coalition government's planning policy regime; and, following its expressed intention to rapidly abolish Regional Strategies,⁶⁶ the Council resolved to request the Secretary of State to direct withdrawal of its emerging Core Strategy.
- 2.3 It is clear that the Secretary of State accepted that it was not appropriate to progress the Core Strategy based on 'top-down' housing figures and it was appropriate to move forward with a new plan based on an assessment of locally derived need.⁶⁷ It would be illogical, now, to assess the district's housing requirement and five year housing land supply against a figure in a draft document, the progress of which was curtailed.
- 2.4 In terms of the former South East Plan, Policy MKAV1 made provision for 26,890 dwellings in the Aylesbury Vale District for the period 2006 to 2026.⁶⁸ Whilst the Secretary of State has indicated that *'evidence that informed the preparation of the Revoked Regional Strategies may also be a material consideration, depending on the facts of the case'*,⁶⁹ such an approach is not justified here: -
- (a) the South East Plan merely rolled forward for a further five years the annualised rates within the Milton Keynes South Midlands Sub-Regional Strategy from 2005 which was based on an earlier 2002 study (whose purpose was to look at the capacity of the broader sub-region to accommodate growth as opposed to any genuine assessment of local housing requirements);
 - (b) it was recognized at the time that the natural change figure for Aylesbury Vale was only about 47% of the total figure of 26,890 (i.e. approximately 14,000); and it was predicated on the need for a level of infrastructure provided by government funding that no longer exists;⁷⁰

⁶⁵ CD 4.1 paragraphs 49, 14

⁶⁶ CD 4.2 (Q4)

⁶⁷ AV1.107

⁶⁸ CD 3.1 page 261

⁶⁹ BL/MT/5.1 paragraph 2.12

⁷⁰ AV/JHB/3.1 paragraph 6.22

- (c) the South East Plan figure was in part predicated on a requirement imposed on Aylesbury Vale District Council to make provision for 5,390 houses as an extension to Milton Keynes - an expansion which no longer forms part of Milton Keynes' development strategy;⁷¹
- (d) the projections on which the figure was derived are significantly out of date as they relied on the 2003 and 2004-based national household projections;⁷² the 2006-based projections were not available in sufficient time for consideration by the panel; and, since then, the 2008, 2010 and 2011-based national household projections have been published. Each projection replaced the previous projection in its entirety;⁷³
- (e) the South East Plan figure was not an objective or independent assessment of the housing needs of Aylesbury Vale and it bears no resemblance to household projections produced at that time; the *'demographic' led need was significantly less than the level of housing being planned within Aylesbury'*;⁷⁴ and
- (f) thus, the South East Plan figure is not based on the most recent information; it is substantially out of date; it was derived under a wholly different planning regime; it does not provide an appropriate basis to properly inform an objective assessment of the housing needs for Aylesbury Vale or its Housing Market Area; and it does not comply with government guidance.⁷⁵

2.5 Accordingly, the South East Plan, and the evidence base which underpinned it, should carry no weight in assessing the current five year housing supply for Aylesbury Vale.

The Vale of Aylesbury Plan: Housing and Economic Growth Assessment

- 2.6 Following the withdrawal of its Core Strategy, the Council embarked on preparing a local plan based on an objective assessment of its housing needs. It commissioned consultants to undertake a Housing and Economic Growth Assessment in order to independently assess future housing needs and employment growth in Aylesbury Vale.⁷⁶
- 2.7 The assessment was produced in September 2011; pre-dating the Localism Act 2011 (notably the *'Duty to Cooperate'*) and the publication of the National Planning Policy Framework. It includes five 'main' housing projections,⁷⁷ containing both demographic and economic projections, which it describes as *'a realistic range of options for housing provision to further test'*⁷⁸ The resultant range lies between 11,790 to 20,640 houses for Aylesbury Vale for the period 2011 to 2031 (590 to 1032 dwellings per annum).⁷⁹

⁷¹ AV/JHB/3.1 paragraph 6.24

⁷² Published by Department for Communities and Local Government

⁷³ HF/2.2 Appendix 2 paragraphs 2.11 - 2.14

⁷⁴ AV/JG/2.3 paragraphs 43 – 46; HF/2.2 Appendix 2 paragraph 2.15

⁷⁵ CD 4.1 paragraphs 158 - 159

⁷⁶ AV1.20; AV/JHB/3.1 paragraphs 5.6, 6.1

⁷⁷ PROJ 1; PROJ 2; PROJ 4; PROJ 5; PROJ 6

⁷⁸ AV1.20 paragraph 18.24

⁷⁹ AV1.20 Figure 18.2

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- 2.8 The demographic projections, which lie at the lower end of the range, consider the birth and death rates; likely net migration; and population trends over the last ten and five years. The economic projections are at the higher end of the range and project forward forecasts of economic growth and the housing that derives from that. The lowest projection (PROJ 4) assumes no employment growth. Four other projections were produced for comparison only.⁸⁰
- 2.9 The methodology and content of the Housing and Economic Growth Assessment has not been criticised to any material degree. The points at issue are the selection of a housing requirement of 13,500 dwellings; and whether or not the Council has complied with the duty to cooperate in selecting that figure.

Consultation on Housing and Economic Growth Assessment

- 2.10 The Council consulted other local authorities, and specifically those that adjoined its boundaries, on the Housing and Economic Growth Assessment and the selection of the above housing requirement.⁸¹ None of those authorities (which were at different stages in the preparation of local plans) indicated a requirement to provide any additional housing to meet needs which could not be met within their own administrative area. That remained the position at the end of the Inquiry.

The National Planning Policy Framework

- 2.11 National guidance makes it clear that in preparing a local plan local authorities should:
- (a) *'boost significantly the supply of housing' by using 'their evidence base to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area';*⁸²
 - (b) *'have a clear understanding of housing needs in their area'* and *'prepare a Strategic Housing Market Assessment to assess their full housing needs working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which meets household and population projections taking account of migration and demographic change';*⁸³ and
 - (c) *'..... work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework'.*⁸⁴
- 2.12 The issues are, therefore, whether or not the provision of 13,500 dwellings would meet household and population projections taking account of migration and demographic change; and whether there is any requirement to accommodate any other unmet need from another area.

⁸⁰ including zero net migration; past housing delivery; the South East Plan; and the 2008 household projections

⁸¹ AV/JHB/3.1 paragraph 6.3; AV1.60

⁸² CD 4.1 paragraph 47

⁸³ CD 4.1 paragraph 159

⁸⁴ CD 4.1 paragraph 179

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- 2.13 Given the difficulty in aligning plan preparation over a number of local authorities, and Aylesbury's desire to move forward with its own plan preparation, the Council commissioned its own Strategic Housing Market Assessment Validation Study⁸⁵ as a means of engaging its neighbours.

The Strategic Housing Market Assessment Validation Study

- 2.14 The purpose of the Validation Study was to review the Housing and Economic Growth Assessment against the relevant practice guidance;⁸⁶ to assess changes that had occurred since the initial assessment, including any new evidence; to confirm the Housing Market Area; and to draw on evidence from other areas.
- 2.15 Aylesbury Vale is located within the Luton and Milton Keynes Housing Market Area, which also includes Central Bedfordshire and Bedford. The Housing Market Area has a requirement of 110,011 dwellings for the period 2011 to 2031 (i.e. 5,501 dwellings per annum).
- 2.16 The Validation Study sought to establish the position on the preparation of up-to-date development plans within the above authorities and the planned level of housing within their emerging plans. It found: -
- (a) Milton Keynes, in its submitted Core Strategy, was planning to meet more than its own development needs;⁸⁷ its housing requirement figure has been found 'sound' following examination;⁸⁸ and the authority raises no objections to Aylesbury's 13,500 housing requirement figure, subject to the inclusion of a specific reference in the Vale of Aylesbury Plan (which goes beyond the proposed 'contingency' provision), to meet any future identified unmet housing need in Milton Keynes;⁸⁹
 - (b) Central Bedfordshire was closely aligned to meet its own needs;⁹⁰
 - (c) Luton would not be able to meet its own needs but with a weak functional link between Luton and Aylesbury it would be 'difficult' for Aylesbury to assist with any shortfall;⁹¹ however, the over-provision by Milton Keynes could help mitigate Luton's shortfall;
 - (d) Bedford's existing annual housing delivery requirement (878 dwellings per annum in the period to 2021)⁹² more than matches the annual housing requirement figure identified (819 dwellings per annum); and, in any event, there is a weak functional link between Aylesbury and Bedford.
- 2.17 Accordingly, there is nothing to undermine the conclusion that the Housing Market Area's housing requirements and proposed delivery are, in total, broadly aligned or to challenge the adequacy of Aylesbury's housing provision: -⁹³ *'Sub-regionally it can therefore readily be concluded that there is no shortfall in provision against requirements and that Aylesbury Vale and Milton Keynes together are each providing about the right level of housing.'*⁹⁴

⁸⁵ AV1.97

⁸⁶ Department for Communities and Local Government Strategic Housing Market Assessment Practice Guidance

⁸⁷ AV1.97 paragraph 7.5

⁸⁸ AV1.113 paragraph 35

⁸⁹ CD 9.7 section 16

⁹⁰ AV1.97 paragraph 7.7

⁹¹ AV1.97 paragraph 6.54; Figure 38 (page 56); Figure 9 (page 34)

⁹² AV1.97 paragraph 6.47 (17,570÷20 = 878dpa); paragraph 5.18 & Figure 50 (819dpa)

⁹³ AV/JG/2.1 Table 2 (page 13); AV/JG/2.4 Table (page 4)

⁹⁴ AV/JG/2.4 paragraph 16; AV1.97 Figure 38 (page 56)

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- 2.18 It is to be noted that the assessment of the housing requirements and provision across the Strategic Housing Market Area has been undertaken on a consistent basis, unlike the Coventry City Core Strategy, where the lack of consistent assessment resulted in the Inspector declining to continue the examination of the plan.⁹⁵
- 2.19 In addition, as part of the preparation of the Validation Study, engagement was made with adjoining authorities falling outside the Housing Market Area, namely Dacorum, Chiltern, Wycombe, South Northants and South Oxfordshire. None of these can demonstrate any requirement for Aylesbury to accommodate housing which they themselves cannot provide.
- 2.20 Although these authorities have subsequently raised objections⁹⁶ to the Vale of Aylesbury Plan, because it does not make express provision for any unmet need elsewhere, none of them, as yet, has carried out its own objective assessment of housing need and there is no identified or justified basis to increase housing provision at Aylesbury.
- 2.21 Moreover, the Vale of Aylesbury Plan contains a contingency review mechanism which would be triggered where an adjoining authority demonstrates, in accordance with the National Planning Policy Framework, that it has an un-met need which it cannot accommodate. Again, this differs from the situation in Coventry and its lack of a policy to provide the opportunity for formal review.⁹⁷
- 2.22 Overall, there is no reason to suppose that the Council has failed to engage and to cooperate with other authorities particularly as the duty to cooperate is not a duty to rectify work that is needed to be undertaken by other adjoining authorities outside the Housing Market Area.
- 2.23 The evidence therefore demonstrates that: -
- (a) the housing need and provision has been assessed across the Housing Market Area on a consistent basis;
 - (b) there is no identified housing shortfall within the Housing Market Area that Aylesbury Vale District Council needs to absorb;
 - (c) there is no identified housing shortfall amongst adjoining authorities that are not in the Housing Market Area that needs to be accommodated;
 - (d) if a subsequent requirement to accommodate unmet housing need should arise there is a contingency provision in the Vale of Aylesbury Plan to enable this; and
 - (e) the Council has not failed to comply with the duty to cooperate.

Housing and Economic Growth Assessment (May 2013 Update)

- 2.24 The Updated Demographic Projections Report (May 2013)⁹⁸ updates the demographic projections (PROJ 1 and PROJ 2) set out in the Housing and Economic Growth Assessment (2011) so as to take account of 2011-based

⁹⁵ CD 5.15 paragraphs 18, 22 - 23, 29 - 30, 33

⁹⁶ CD 9.3; CD 9.4; CD 9.5; CD 9.11; CD 9.12

⁹⁷ CD 5.15 paragraphs 21 - 22; AV1.61 paragraphs 4.14 - 4.16

⁹⁸ AV/JG/2.2

household projections⁹⁹ and mid-year population estimates¹⁰⁰ (both published April 2013).¹⁰¹ It takes account of: -¹⁰²

- (a) information from the 2011 mid-year population estimates which contain estimates of migration on an annual basis;
- (b) data around headship rates (from the 2011-based household projections);¹⁰³
- (c) 2011 census and Mid-Year Estimates data regarding the size and structure of the district's population;
- (d) more recent data from the Office for National Statistics on birth and death rates and age/sex specific migration trends; and
- (e) a further set of economic forecasts, issued by Experian in January 2013, which provides a view regarding the potential performance of the economy over the period to 2031.

Updated demographic projections

- 2.25 The April 2013 Mid-Year Population Estimates provide a true picture of the actual migration levels that have occurred in Aylesbury Vale between the two census dates of 2001 and 2011, namely, a net migration rate of 150 persons per annum over the last ten years and 520 persons per annum over the last five years.¹⁰⁴ The former can be verified as the census records the population of Aylesbury Vale as 165,900 in 2001 growing to 174,900 in 2011; and, with adjustment for the birth and death rates, net migration amounts to 1,500.¹⁰⁵
- 2.26 The main components of demographic change are natural change and migration. There is a small element for prisoners and the armed forces; and an 'other' (un-attributable) category which represents the element of 'error' for net migration made in the Mid-Year Population Estimates (before the census figures are known).¹⁰⁶ This latter category should not be added into net migration.¹⁰⁷
- 2.27 However, it is apparent that, prior to the 2011 census, the Office for National Statistics had consistently over-estimated net migration into Aylesbury (750 persons per annum over the past ten years and 1,090 persons per annum over the last five years) which have fed into both the 2010 and 2011 based Sub-National Population Predictions. These predictions, therefore, need to be treated with caution.¹⁰⁸

⁹⁹ Published by Department for Communities and Local Government

¹⁰⁰ Published by Office for National Statistics

¹⁰¹ AV/JG/2.2 paragraph 1.4

¹⁰² AV/JG/2.2 paragraph 2.10 & Figure 3

¹⁰³ Published by Department for Communities and Local Government

¹⁰⁴ AV/JG2.3 Figure 5 (page 13): in the 3 year period 2001/2 - 2003/4 net migration was -2,000

¹⁰⁵ AV/JG/2.3 paragraph 35

¹⁰⁶ AV/JG/2.3 paragraph 58 & Figure 8

¹⁰⁷ See paragraph 2.37(c) below

¹⁰⁸ HF2/4 Table R1; Hampden Fields conceded that its net migration figures had not been adjusted to take account of the census information

2.28 Consideration has also been given to the relationship between housing delivery and migration.¹⁰⁹ However, in Aylesbury, the correlation is very weak and there is nothing to show that migration (including migration from outside the Housing Market Area e.g. Wycombe and London) has been substantially influenced by the level of new housing provision.¹¹⁰ Actual completions therefore represent an objective level of net change; and past housing delivery has been sufficient to meet objectively assessed needs that existed at that time.

Headship rates

2.29 The Council has taken the number of households in the area (with an allowance of 2.5% for vacant stock) from the information contained in the 2011-based household projections¹¹¹ (derived from census information) which also shows a trend in the reduction in headship rates from 2.51 to 2.39.¹¹² The appellants' use of the 2008-based projections could have the effect of over-estimating the housing requirement by some 30%.

2.30 The continuing fall in household sizes, over the past ten years in Aylesbury Vale, indicates that past levels of housing delivery in the district have had no obvious impact in preventing the formation of new households (in contrast to a broadly static position in the South East and nationally).¹¹³ This is consistent with the Council's position that past housing delivery levels have broadly matched demand; and, further, demonstrates the robustness of the headship rates used.

2.31 Against this background, the Council's updated demographic projections (PROJ 1 and PROJ 2)¹¹⁴ give rise to a housing requirement of between 9,756 and 12,915 dwellings over the period 2011 to 2031. Provision of 13,500 dwellings in the Vale of Aylesbury Plan is materially higher than PROJ 1 (the most robust demographic assessment as it is based on known information over the longest period) and slightly higher than PROJ 2. The projections are wholly in accordance with the National Planning Policy Framework.¹¹⁵

Updated economic projections

2.32 The updated economic projections (PROJ 6a and PROJ X) are predicated on a growth in the number of jobs between 13,068 (14.4% growth) to 18,750 (20.7% growth) in the period 2011 to 2031.¹¹⁶ The level of housing to support this growth would range between 17,847 to 21,464 dwellings. However, even the lower employment figure appears highly ambitious against a backdrop of very little growth over the last decade.¹¹⁷

¹⁰⁹ In response to Barwood's suggestion that past trends in migration might be too low if housing delivery has been constrained

¹¹⁰ AV/JG2.3 paragraph 39 & Figure 5; paragraphs 40 - 50

¹¹¹ Department for Communities and Local Government

¹¹² AV/JG/2.2 paragraphs 3.17 - 3.22

¹¹³ AV/JG/2.3 paragraphs 53 - 55 & Figure 7

¹¹⁴ Based on 10-year migration and 5-year migration trends respectively

¹¹⁵ CD 4.1 paragraph 159

¹¹⁶ AV/JG/2.1 Table 1 (page 12)

¹¹⁷ AV/JG/2.1 Figure 2 (page 20)

- 2.33 Even in the boom years (2001 – 2007) only 4,200 jobs were created; and it would need an equivalent level of economic growth over the entire plan period to deliver 14,000 new jobs. Such economic driven scenarios should be treated with extreme caution in seeking to derive a housing requirement.
- 2.34 Moreover, historically, planned employment has not materialised in the same way that planned housing development has occurred: - the Aylesbury Vale District Local Plan anticipated some 8,800 jobs over the plan period within the district but, at most, only 2,400 jobs have been delivered.¹¹⁸ The current backlog is some 9,000 jobs to be provided, against an excess of 10,000 potential jobs on approved sites.¹¹⁹
- 2.35 The resultant imbalance has led to a high level of out-commuting (17,000 daily net out-commuting: ratio 1:24). The jobs density for the district, 0.71, is also notably below the average of 0.80 for the South East Region. Achieving an equivalent jobs density would represent 10,000 jobs without the need for any growth in the resident labour force. Consequently, any approach which links a housing requirement to the delivery of a certain number of jobs should be viewed assiduously given the National Planning Policy Framework's preference for a demographically led assessment.¹²⁰
- 2.36 As a result of past policy failings, one of the main objectives of the Vale of Aylesbury Plan is to make provision for new jobs to increase the opportunities to live and work locally and to minimise the dependence on out-commuting. Therefore, whilst it provides for a further 6,000 jobs (above those on already approved sites) and plans for houses to meet those additional jobs, it does not seek to build yet more houses as a means of delivering those jobs which have previously failed to materialise despite concurrent house building.

Sub-National Population Projections 2010 and 2011

- 2.37 The Council has also produced updated projections based on the 2010 Sub-National Population Projections and the '*interim*' 2011-based projections¹²¹ (PROJ 10: 14,385 dwellings; and PROJ 9: 19,224 dwellings).¹²² However, neither of these should be preferred over PROJ 1 and PROJ 2 because: -
- the 2010 Sub-National Population Projections (PROJ 10) pre-date the 2011 census and, unlike PROJ 1 and PROJ 2, do not take into account the most up-to-date evidence (e.g. the 2011 headship rates or the April 2013 Mid-Year Population Estimates);
 - the '*interim*' 2011- based Sub-National Population Projections still use out of date net-migration figures which grossly over-estimate net-migration as compared with the now known net-migration figures taken from the census (1,200 per annum compared to 520 (5 year average) and 150 (ten year average)) and result in a total disconnect between what has happened in the past and what is projected in the future;¹²³ and

¹¹⁸ AV/JHB/3.1 paragraph 6.19; CD3.3 paragraphs 4.45, 4.47

¹¹⁹ AV/JG/2.1 paragraph 5.33

¹²⁰ CD 4.1 paragraph 159

¹²¹ Published by Department for Communities and Local Government

¹²² AV/JG/2.1 paragraphs 5.3 - 5.8; & Table 1 (page 12)

¹²³ AV/JG/2.2 Figure 3 (page 12); AV/JG/2.1 Figure 1 (page 17)

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- (c) the Office for National Statistics recognises that the projections do not take account of the most relevant up-to-date information; they were issued to a very tight time-table; and it is for the user to consider if they are fit for the uses to which they are being put. The 'other' unattributable category figures effectively represent the extent to which the previous net-migration estimates were wrong in the light of the now available census information and should not be added to the net migration figure.¹²⁴

The Vale of Aylesbury Plan projection

2.38 In light of the above, a housing requirement of 13,500 dwellings (which is higher than both PROJ 1 and PROJ 2) is robust and evidentially based. It would deliver more housing than strictly required (based on demographic projections); it would accommodate an additional 6,000 jobs whilst not exacerbating the existing imbalance between homes and jobs that currently exists; the planned provision is consistent with government guidance;¹²⁵ and it provides a perfectly appropriate figure against which to assess whether the district has a five year supply.

The appellants' approach

Fleet Marston

- 2.39 Barwood provides five alternative scenarios for housing requirements:¹²⁶
- (a) **Re-based 2010 Sub-National Population Scenario:-** this demographic projection is based on a requirement of 16,255 houses in the period 2011 - 2031; however, it rests on the out-of-date 2008 household formation rates (instead of the 2011 figures); and, in any event, the appellant does not rely on it to assess the housing requirement for the district;
 - (b) **Vale of Aylesbury Plan Dwelling-led Scenario:-** this projection is based on the out-of-date headship information which has the effect of distorting outputs of the population and the labour force (18,605 persons when it should be 23,387);¹²⁷
 - (c) **South East Plan Projection Dwelling-led Scenario:-** this projection utilises the South East Plan figures for Aylesbury having removed the extension to Milton Keynes within Aylesbury Vale from that figure. This gives rise to a projected housing requirement of 21,500. However, this is not an objective assessment of housing needs and should carry no weight;
 - (d) **Employment-led Scenario (Experian):-** this projection was the appellant's preferred scenario in written evidence.¹²⁸ It forecasts an increased labour force of some 21,000 jobs and a related requirement for 26,816 dwellings (comparable to the original South East Plan housing requirement, including the Milton Keynes element). However, it was abandoned in favour of the Council's economic projections (PROJ X - 13,068 jobs: and PROJ 6a - 18,750 jobs).¹²⁹

¹²⁴ AV/JG/2.3 Fig 8 page 17

¹²⁵ CD 4.1 paragraph 158

¹²⁶ BL/MT/5.1 Table 3.4 (page 58)

¹²⁷ AV/JG/2.3 Figure 1 (page 3); AV/JG/2.2 Figure 24 (page 34)

¹²⁸ BL/MT/5.1 paragraphs 3.122 (bullet 4), 3.133, 3.138, 3.139, 3.179

¹²⁹ The Council does not rely on these projections in planning for housing

In any event the appellant's projection was based on the continued use of the out-of-date 2008 headship rates and the holding constant of employment rates.¹³⁰ However, the unemployment level materially increased between 2004 and 2012; and, unemployment rose by 2,000 between 2008 and 2012.¹³¹ Barwood's approach of assuming no economic recovery over the 20 year projection period under-estimates the number of available resident workers by many thousands; and over-estimates the level of housing required in the economic-led projection; and

- (e) **Employment-led (VAP Employment Constrained) Projection:-** although the appellant has projected the level of housing required to serve 6,000 jobs (as proposed in the Vale of Aylesbury Plan) at 16,300 dwellings (compared to the planned level of 13,500) this gains its error from the out-of-date headship rates and it makes no allowance for any improvement in the resident unemployed in Aylesbury.¹³²

Barwood's assessment of the five year supply

- 2.40 Barwood's assessment is inconsistent with paragraph 2.39(c) above in that it is based on the total South East Plan figure, which includes the Milton Keynes element; and it includes an accrued shortfall to 1 April 2013. The resultant five year requirement would be 8,493 dwellings (5% buffer) (1,699 dwellings per annum); or 9,707 dwellings (20% buffer) (1,941 dwellings per annum).¹³³ This would far exceed any previous delivery in the district (even at the height of the boom); and none of the appellants has suggested that this figure could be delivered even with all of their sites combined.
- 2.41 It is also inappropriate to use the South East Plan figure to undertake the five year supply assessment because: - the South East Plan was not adopted until 2009; it was revoked in July 2010 only to be reinstated in November 2010 (with a clear indication that it would be subsequently revoked); and it was finally revoked in March 2012. Given the date of its adoption, and its precarious existence, it would be unrealistic to expect housing delivery to have matched this document; and there is no basis to impose a 20% buffer in the five year housing requirement as a result of a past failure to comply with that figure.
- 2.42 If the five year supply is considered against the Council's projection of housing need, namely 13,500 dwellings, the appellant accepts that the authority has a five year supply irrespective of whether a 5% or 20% buffer is applied.¹³⁴ Moreover, the modelling in the Housing and Economic Growth Assessment starts from 2006; it forecasts future requirements based on the position at that date; and there is no need to make any adjustment for a past backlog.¹³⁵ It is quite clear that delivery has exceeded the requirement of 675 dwellings per year in the past and that the appropriate buffer would be 5%.

¹³⁰ AV/JG/2.3 paragraphs 4 - 17

¹³¹ AV/JG/2.3 Appendix 1

¹³² AV/JG/2.3 Figure 1 (page 3)

¹³³ AV/PJ/5.3R page 5

¹³⁴ AV/PJ/5.3R Table (page 5)

¹³⁵ AV/JG/2.1 paragraph 5.50

2.43 The appellant has adopted the Council's available supply figure of 4,620 units (September 2012).¹³⁶ Although the deliverability of the urban extension at Land East of Aylesbury has been questioned, the allowance of 370 dwellings for the period 2013 to 2018 is realistic (against the broadly agreed position that Fleet Marston and Hampden Fields could each deliver 500 units over the same period). Moreover, the Council's updated available supply figure of 4,461 units (March 2013)¹³⁷ represents an annual delivery of 892 dwellings which is well in excess of the 675 units proposed in the Vale of Aylesbury Plan.

Hampden Fields

The Consortium's assessment of the five year supply

- 2.44 The Consortium relies on seven projections to suggest that a minimum of 1,000 dwellings per annum should be used as the current, objectively assessed, level of housing requirement. Taking each in turn, and avoiding repetition of points already made: -
- (a) **South East Plan (including the Milton Keynes element):-** the appellant accepts that the household projections (2003 and 2004-based), on which the South East Plan was based, projected household growth for Aylesbury at approximately 14,000 households amounting to 700 dwellings per annum (which is broadly comparable to the demographic projection in the Vale of Aylesbury Plan); yet 26,890 houses were allocated to the district;
 - (b) **South East Plan (excluding the Milton Keynes element):-** removal of the 5,390 houses related to Milton Keynes reduces the above to 21,500 units which is still 7,510 houses more than the demographically projected need for Aylesbury;¹³⁸
 - (c) **Vale of Aylesbury Plan:-** the appellant's projection produces a negative figure of minus 1,696 jobs (against the plan's figure of 6,000 jobs).¹³⁹ The distortion results from the modeling approach taken (e.g. over-estimates the population growth amongst those less likely to be working and under-estimates those in key working age groups; employment rates are held as constant; and no adjustments are made for changes to the pensionable age);
 - (d) **Interim 2011-based household projections:-**¹⁴⁰ although the use of these projections gives rise to a requirement of 19,224 houses (approximately 1,000 dwellings per annum) the net-migration figures within them are grossly over-estimated;¹⁴¹
 - (e) **Housing and Economic Growth Assessment 2011 economic-led projections:-**¹⁴²
The appellant acknowledges: -
 - (i) the number of new jobs anticipated in Aylesbury Vale over the last ten years has not materialised; out-commuting will either not have improved or worsened; commuting to Milton Keynes has increased;¹⁴³ and overall net out-commuting is about 17,000 persons per day (ratio of 1.24);

¹³⁶ BL/MT/5.1 paragraph 3.156; AV1.10; AV1.11

¹³⁷ AV/PJ/5.3R page 5; and final appendix to that rebuttal

¹³⁸ HF/2/2 Appendix 2 paragraph 2.15

¹³⁹ HF/2/2 Appendix 2 paragraph 4.17 & Table 4.2

¹⁴⁰ Published by Department for Communities and Local Government

¹⁴¹ See BL above

¹⁴² AV1.20

¹⁴³ AV1.20 paragraph 4.91

- (ii) the Aylesbury Vale District Local Plan aims to achieve a pattern of sustainable development, with a balance of land uses so as to reduce the need to travel, consistent with national guidance;¹⁴⁴
 - (iii) the Vale of Aylesbury Plan aims to address the past failure to achieve a balance between homes and jobs;¹⁴⁵
 - (iv) a housing requirement of 20,000 homes could only, at best, not exacerbate the existing imbalance; and, without the delivery of an appropriate number of new jobs, provision of this higher level of housing would compound the existing imbalance;
 - (v) over the last ten years only 2,000 jobs have been created;¹⁴⁶
 - (vi) 'workforce jobs' rather than 'Full Time Equivalent' employment figures provides the measure of the creation of actual jobs;
 - (vii) the inference is that it is not possible to redress the existing imbalance between homes and jobs that exists in Aylesbury Vale;
 - (viii) although some 5,800 jobs had been created in the boom period (1997 to 2007), a similar boom over the plan period (which is highly unlikely) would only deliver 12,000 jobs (against about 15,000 in the projection);¹⁴⁷
 - (ix) by 2031 (using the Vale of Aylesbury Plan projection) the resident labour force would be 51,000 persons (aged 16 to 44 years) and 74,000 persons (aged 16 – 54 years).¹⁴⁸ There is no evidence that that such a labour force could not service an additional 15,000 jobs (if they were to be created);¹⁴⁹ and
 - (x) the largest destination for commuters from Aylesbury Vale is Milton Keynes; the workplace wage differential is marginal; and there would be no reason why additional local jobs should not be taken by those living locally.¹⁵⁰
- (f) **Housing and Economic Growth Assessment 2013 updated economic-led projections;** these are not appropriate projections for the reasons explained in paragraphs 2.32 – 2.36 above; and
- (g) **Barton Willmore Chelmer Model demographic projections:-**¹⁵¹ gives rise to a housing requirement of 19,677 dwellings (984 dwellings per annum). However, there are two fundamental flaws: -

(a) Net migration:-

- (i) the point at issue is whether the category of 'other' from the census data should be included in the five year net migration rate (1,200 persons per annum)¹⁵² or whether it should be excluded (520 per annum);

¹⁴⁴ CD 3.3 paragraph 1.4 (bullet 1); CD 4.1 paragraphs 6, 7, 37

¹⁴⁵ AV1.61 paragraph 3.18

¹⁴⁶ HF1.37A

¹⁴⁷ AV/JG/2.1 Table 1 PROJ 9 (page 12)

¹⁴⁸ HF1.28 PROJ Y (figures rounded)

¹⁴⁹ However the Vale of Aylesbury Plan proposes to provide housing to meet 6,000 of those jobs with the remaining jobs being available for the existing labour force

¹⁵⁰ AV1.97 page 58

¹⁵¹ HF/2/2 Appendix 2 Table 4.1 (page 18)

¹⁵² HF/2.2 Appendix 2 Table 4.1 (page 18); HF1.29

-
- (ii) the Consortium's technical assessment suggests that the actual net-migration figure may well be somewhere in the middle ground between the above figures; (794 from the range of 516 to 1079 persons per annum derived from the census figures 2007 to 2011);¹⁵³ but the projection does not apply this; had it done so the 'corrected' figure would have been 16,100 homes (805 per annum);
 - (iii) it should be recognised that net-in migration recorded in recent years may well have been constrained by the impact of the recession;¹⁵⁴
 - (iv) it is inappropriate to rely on the net-migration figure of 1,975 persons (Mid-Year Estimate: 2011/2012) as it is not based on census information. Comparison with the net-migration figures derived from the census show it to be substantially higher (both with and without the 'other' category);¹⁵⁵
 - (v) there is little or no correlation between net-migration to the level of completions in Aylesbury;¹⁵⁶ or to economic buoyancy;
 - (vi) the level of housing completions for 2011/12 (1103) and 2012/2013 (934) do not show any correlation with the 'spurious' Mid-Year Population Estimate for net-migration of 1,975.

(b) Increase in labour force

- (i) the Consortium's 'Chelmer' demographic calculation (19,677 dwellings) gives rise to an increase of 7,959 jobs; the Council's PROJ 9¹⁵⁷ leads to a similar number of new homes required (19,224) and 15,303 jobs;¹⁵⁸ and Hallam's 'Chelmer' model results in 11,379 jobs. Running PROJ 9 with the same inputs as used by Hallam (i.e. flat employment rate and no allowance for changes to the pensionable age), the outcome of 11,326 jobs would be broadly equivalent;
- (ii) the Consortium's labour force figure is unduly low as the model has not been constrained to the Sub-National Population Projections figures; and it is based on an age structure which under-estimates those of working age in the 35 to 64 year old brackets (by about 681 people by 2021)¹⁵⁹ As such the number of residents in employment is too low and the household growth is over-estimated as a result. This explains why the growth in employment is much lower as against the same housing figure in the Consortium's approach and why a negative employment figure of minus 1,696 is derived when using the Vale of Aylesbury Plan housing figure of 13,500 dwellings.

¹⁵³ HF2/2 Appendix 2 paragraphs 3.13 - 3.14; HF1.29

¹⁵⁴ HF2/2 Appendix 2 paragraph 3.14

¹⁵⁵ HF1.29

¹⁵⁶ AV/JG/2.3 Figure 5 (page 13)

¹⁵⁷ Interim 2011-based Sub-National Population Projection

¹⁵⁸ AV/JG/2.1 Table 1 (page 12)

¹⁵⁹ Compare HF1.28 projection 9 total labour force figures for 2031 with HF2/2 Appendix 2, Annex 2 page 2 figures for 2031

Five year supply

- 2.45 The Consortium questions the likely delivery rates of the Land East of Aylesbury and on a site at Aston Clinton over the next five years. However, in the event of there not being a five year supply of deliverable housing, the latter is of only marginal interest (30 units); and as it is anticipated that Hampden Fields would realise 500 units over five years there is no reason why the former could not deliver 370 units over the same period.¹⁶⁰

Weedon Hill

Hallam's assessment of the five year supply

- 2.46 Hallam relies on two assessments and projections based on the South East Plan and the 2011 Interim Sub-National Population Projection using the 'Chelmer' Model.¹⁶¹ These have been considered above.

Summary of the Council's position on housing land supply

- 2.47 The Council's projections, PROJ 1 and PROJ 2, provide the most reliable assessment in that they objectively assess housing need based on demographic projection using the most up-to-date, and verifiable, information. They are the only assessments which use 2011 headship rates and the most up-to-date migration rates from the census. Accordingly they support the provision of 13,500 dwellings as set out in the Vale of Aylesbury Plan.
- 2.48 By comparison, the approach by Barwood and the Consortium, of planning for 16,000 jobs and 20,000 dwellings, is wrong in that: -
- (a) it ignores past policy failures and the consequential imbalance between jobs and homes and undesirable out-commuting;
 - (b) it fails to consider the reality of achieving the proposed level of jobs;
 - (c) it does not address the risk of houses being delivered without corresponding jobs and none of the appellants is prepared to have a linking mechanism;
 - (d) it ignores the thrust of the National Planning Policy Framework in its aim to make patterns of development more sustainable and to consider environmental effects;
 - (e) in the case of Fleet Marston, it does not follow the guidance that housing projections should be demographically led; and
 - (f) the 2011 interim projections are not reliable as they are not based on the most up-to-date verifiable census information; and they have acknowledged limitations.
- 2.49 The housing requirement figure of 13,500 for Aylesbury Vale, supporting 6,000 jobs is fully justified and appropriate; and there is also a five year supply of housing land. It follows that no reliance should be placed on the appellants' projections which seek to demonstrate a higher housing requirement.

¹⁶⁰ HF2/2 Appendix 2 paragraph 5.9; HF/2/1 paragraph 3.37

¹⁶¹ HL/CH/4.1 paragraph 6.4

Prematurity

- 2.50 One of the core principles of the National Planning Policy Framework is that the planning system should be '*genuinely plan led*' and that '*Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities*' and that '*Local planning authorities should set out the strategic priorities for the area in the Local Plan*'.¹⁶²
- 2.51 One of the main issues to be determined in the examination of the Vale of Aylesbury Plan is whether a housing requirement of 13,500 houses should be substantially increased as claimed by the appellants. The Secretary of State, through these appeals, is, in essence, being asked to rule on the soundness of the housing targets in the plan in order to determine whether or not the proposals would be premature.
- 2.52 Guidance on prematurity indicates that '*Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question*'.¹⁶³ However, in the present case, submission has actually occurred and an examination is underway.
- 2.53 In essence the guidance makes clear that prematurity arises where a decision to approve a development would, as in this case, short-circuit the outcome of the plan-making process by effectively determining a decision about scale, location and/or phasing that would otherwise be made through that process.
- 2.54 It is acknowledged that Policy VS2 (Spatial strategy for growth) is controversial and subject to objections, and it cannot attract substantial weight until the plan making process is almost complete. In a plan-led system, the examination of the Vale of Aylesbury Plan is the appropriate forum for objections to be considered and for strategic decisions to be made. In these circumstances a refusal on the grounds of prematurity is justified and the guidance recognises that.
- 2.55 Furthermore, if the relevant emerging strategic policies had reached a stage where substantial weight could be attached to them (because a positive Inspector's report was available and they were shortly to be adopted) there would be no need to rely on the concept of prematurity at all. Conflict with those emerging policies would in itself be likely to prove sufficient to justify the refusal of planning permission.
- 2.56 Overall, the proposals at Fleet Marston and Hampden Fields are both premature and should be refused on that ground alone. However, there are also other fundamental impacts which would significantly and demonstrably outweigh their benefits when assessed against the policies in the National Planning Policy Framework.¹⁶⁴

¹⁶² CD 4.1 paragraphs 17, 150, 156

¹⁶³ CD 4.8 paragraph 18

¹⁶⁴ CD 4.1 paragraph 17

FLEET MARSTON

The first main consideration: the landscape and visual impact

Introduction

2.57 The appeal site is located within the Northern Vale Landscape Character Area; it is open and exposed to views from within the vale floor and from higher ground. An urban development of the type, density and heights proposed, breaching the existing clearly defensible boundary of Aylesbury, would undoubtedly be decidedly prominent and result in unacceptable adverse landscape and visual impacts in this highly sensitive rural landscape. Those self-evident truths have not been admitted either in Barwood's Landscape and Visual Impact Assessment or in its evidence.

The Council's evidence

2.58 The landscape within which the appeal site lies has been assessed by national, county and local landscape studies.¹⁶⁵

(i) Aylesbury Vale Landscape Character Assessment

2.59 At the local level, the appeal site is within the 'Northern Vale Landscape Character Area' and immediately adjacent to the 'Waddesdon-Eythrope Parkland Landscape Character Area' to the west. Northwards, on higher ground, the vale landscape gives way to the 'Pitchcott-Whitchurch Ridge Landscape Character Area'.¹⁶⁶

2.60 The key characteristics of the Northern Vale are: -¹⁶⁷

- (a) *'virtually flat landform;*
- (b) *network of meandering streams feeding into the River Thames;*
- (c) *large open arable fields;*
- (d) *recreational and amenity landscape on the northern fringe of Aylesbury; and*
- (e) *historic meadows'.*

2.61 The 'distinctive features' of the area are described as: -¹⁶⁸

- (a) *deserted medieval settlements;*
- (b) *site of Quarrendon Tudor mansion and gardens;*
- (c) *Roman roads and settlements;*
- (d) *Hardwick church;*
- (e) *Fleet Marston church;*
- (f) *River Thames; and*
- (g) *large areas of neutral grassland in northeast'.*

¹⁶⁵ AV/JB/1/1 paragraphs 36 – 61 (including AV.1.53; AV.1.14)

¹⁶⁶ AV/JB/1/1 paragraph 62; AV/JB/1/3/1

¹⁶⁷ AV/JB/1/1 paragraph 63

¹⁶⁸ AV/JB/1/1 paragraph 64

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- 2.62 The 'intrusive elements' of the area are listed as: -¹⁶⁹
- (a) 'western fringe of area crossed by pylons;
 - (b) disused pumping station west of Weedon Hill Farm;
 - (c) railway line (occasional use only); and
 - (d) traffic on A41 and A413'.
- 2.63 The landscape character of the Northern Vale is described as an: -¹⁷⁰
- 'open vale landscape emphasised by very low level of settlement, limited topography, large scale landscape pattern and the hills lying to the north and south which define the visual horizon in most views. Despite the proximity of Aylesbury often clearly visible, there is a sense of isolation away from the A41 and A413'.*
- 2.64 The topography is described as: -¹⁷¹
- 'low lying vale crossed by a network of shallow valleys. The higher ground at the northern end lies at approximately 85m AOD. The land falls gently from 100m AOD at the head of the valley north of the Weedon Ridge to the river Thames which lies at a level of approximately 70m AOD. Immediately north of Quarrendon historic earthworks rise above the level of the vale landscape. Most notable are remains of the medieval settlement and Civil War earthwork'.*
- 2.65 Looking at land use and settlement, arable predominates; and fields are large, irregular in shape with a notable loss of hedgerows due to field amalgamation. The area is generally sparsely populated with occasional farmsteads; and there are a number of deserted medieval village sites. The village of Hardwick, on the northern edge of the area, is the most notable settlement and its church tower is a distinctive local feature. Tree cover is generally in small blocks.¹⁷²
- 2.66 Specific reference is made to the 'deserted medieval village of Fleet Marston. The only tangible remains of the settlement is the grade II* redundant parish church of St Mary's dating to the 12th and 13th century'.¹⁷³
- 2.67 The overall conclusion is: - 'generally the condition of the landscape is considered to be good and there are few detracting features over this large area ecological integrity is strong overall the functional integrity is very strong'. As to sensitivity: - 'the area has a distinctive character and historic associations are present overall the sense of place is moderate. The flat landform and sparse nature of tree cover provides for a high degree of visibility over the core of the area The overall degree of sensitivity is high'.¹⁷⁴
- 2.68 The Waddesdon-Eythrope Parkland Landscape Character Area lies immediately to the south-west of the appeal site. Its key characteristics include a steeply undulating landform; some long distance views over the surrounding countryside; extensive woodland cover; and the parkland and gardens at Waddesdon Manor and Eythrope Park.

¹⁶⁹ AV/JB/1/1 paragraph 65

¹⁷⁰ AV/JB/1/1 paragraph 66

¹⁷¹ AV/JB/1/1 paragraph 67

¹⁷² AV/JB/1/1 paragraphs 68 - 72

¹⁷³ AV/JB/1/1 paragraphs 73 - 76

¹⁷⁴ AV/JB/1/1 paragraphs 77 - 82

- 2.69 Intrusive elements are traffic on the A41 and the suburban fringe of Waddesdon village. Overall, the area has a strong strength of character combined with high visibility to give a landscape of high sensitivity.¹⁷⁵
- 2.70 The Pitchcott-Whitchurch Ridge Landscape Character Area runs to the north of the appeal site. It has a more gently rolling landform, extensive settlement along the top of the ridge; and long distance views over the surrounding landscape. Its overall degree of sensitivity is high.¹⁷⁶
- 2.71 This study was commissioned with a view to including a new local landscape designation policy; although it has been overtaken by the withdrawal of the Core Strategy its evidence base remains relevant. In this regard the appeal site was found to lie within the top 25% of the areas of sensitive landscape identified by the study.¹⁷⁷

(ii) Aylesbury Vale: Areas of Sensitive Landscape

(iii) Potential Development Areas Around Aylesbury: Assessment of the landscape and visual impact¹⁷⁸

- 2.72 These studies considered eight potential development areas (one of which had two alternative layout arrangements); and combinations to form four growth options. The locality of the appeal site was included in the Northern Growth Option which was found to be the least suitable for development.¹⁷⁹
- 2.73 Whilst the area considered for development did not wholly coincide with the current Fleet Marston proposal, the study assessed the landscape impact of the development as:-¹⁸⁰
- '..... an area which is intrinsically rural would change significantly as development replaced the large arable fields. The landscape impact would be assessed in terms of the loss of agricultural land use and the loss of openness. The development would incorporate landscape mitigation features, however, this would be interspersed between the development or enclose its outer edges. This would introduce a significant change to the existing character of the landscape particularly when overlooked from the higher ground to the west (LCA 9.3 Waddesdon-Eythrope Parkland). The magnitude of this change is moderate with moderate significance'.*

- 2.74 In terms of the visual impact assessment it was recorded:-¹⁸¹
- '..... from high ground within the AAL¹⁸² to the south east of Waddesdon, the development would be clearly visible as a noticeable extension to Aylesbury. From the AAL and rural settlements to the north and north east, views of the development would be available from peripheral properties. Mature vegetation around settlements would filter views in some instances although from some prominent locations, such as some properties at Pitchcott, the view is more open towards the Development Area*

¹⁷⁵ AV/JB/1/1 paragraphs 83 - 88

¹⁷⁶ AV/JB/1/1 paragraphs 89 - 91

¹⁷⁷ AV/JB/1/1 paragraphs 92 - 105

¹⁷⁸ AV1.35; AV1.36; AV1.19

¹⁷⁹ AV/JB/1/1 paragraphs 106 - 110

¹⁸⁰ AV/JB/1/1 paragraphs 111 - 124 (including Figure 1)

¹⁸¹ AV/JB/1/1 paragraphs 127 - 136

¹⁸² Area of Attractive Landscape

The development would be clearly visible from PRoW¹⁸³ running through the Development Area and those within 1km to the west, and the current rural character of the PRoW would be diminished. From PRoW beyond this distance, it is unlikely that there would be any significant visual impact because of intervening vegetation belts. However from elevated points along the Midshires Way along the high ridge of land to the south west of the Development Area, the development would degrade existing views across arable farmland and significantly extend the urban edge of Aylesbury'.

- 2.75 Overall, Barwood's assessment of the landscape character of the appeal site being 'poor' and 'low' sensitivity contrasts with the Core Strategy evidence base with the same area being assessed as of 'good' condition and 'high' sensitivity.¹⁸⁴
- 2.76 Moreover, the Council has not placed unquestioning reliance on the Aylesbury Vale Landscape Character Appraisal. Although it is considered to be methodologically sound, and it reflects the evidence prepared by the Council's expert witness, the Council has in the past expressed reservations about some aspects of the comparative assessments;¹⁸⁵ and it would be wrong to suggest that the work undertaken had been accepted without further thought.
- 2.77 As to the evidence presented by the Council, although its expert witness had not prepared a Landscape and Visual Impact Assessment, it was perfectly proper for the witness to express a professional opinion about landscape and visual impacts and where he differed from Barwood's case.

The Landscape and Visual Impact Assessment

- 2.78 The assessment for Fleet Marston is neither reliable nor balanced, with significant implications for the evidence called by the appellant in that:-
- (a) the landscape evidence relies on the robustness of the assessment;
 - (b) the landscape witness had not undertaken a separate assessment; and
 - (c) thus the robustness of the evidence stands or falls with that of the Landscape and Visual Impact Assessment itself.
- 2.79 It is common ground that Landscape and Visual Impact Assessment is intended to be a systematic process, following replicable steps where inputs are fed in by the assessor and choices made, leading ultimately to conclusions on significance. Equally, the reliability of the output depends on the reliability of the inputs and the choices made.
- 2.80 Unlike the assessment for Hampden Fields, which correctly identifies large numbers of significant landscape and visual impacts (which is to be almost inevitable for schemes of this scale on greenfield sites), the conclusions reached for Fleet Marston provide a stark and implausible contrast.

¹⁸³ Public Right of Way

¹⁸⁴ AV/JB/1/1 paragraph 137 & preceding summary table

¹⁸⁵ CD 5.1 paragraph 349 (Inspector's Report)

-
- 2.81 Taking account of the rural characteristics of the site; its grade II* listed church; the degree to which it is overlooked from higher ground; and the scale and density of the proposed development, the resultant conclusion that the magnitude of change would be *'low/slight'* is not credible.¹⁸⁶

Landscape value

- 2.82 The Landscape and Visual Impact Assessment assesses the value of the existing Fleet Marston landscape as *'ordinary'*.¹⁸⁷ The effect of this one choice limits the impact of the development, whatever its magnitude, to effects between *'neutral'* and *'slight or moderate'*. Even moderate effects are treated as being unlikely to be material in deciding whether or not to grant planning permission.
- 2.83 The determining question to be asked is *'whether the landscape here is such that no matter what changes are proposed to it, the resulting landscape impacts could never justify refusing planning permission?'* This needs to be considered in light of the Quarrendon Fields appeal decision: -¹⁸⁸
- (a) that site was identified as an integral part of the Northern Vale landscape and reflective of the wider character type;
 - (b) the appellants had criticised the Aylesbury Vale Landscape Character Assessment; however, the Inspector was not convinced it was anything other than a robust piece of work;
 - (c) the Inspector concluded that the landscape had intrinsic worth; the development would have a significant adverse impact on landscape character; intrusion into the wider landscape was a specific concern; and there would be a significant adverse visual impact, which would be unduly harmful; and
 - (d) it is plain that the adverse impact on the landscape character of the Northern Vale and visual intrusion contributed directly to the Secretary of State's decision to dismiss the appeal.
- 2.84 The Fleet Marston assessment starts from a position which is not reconcilable with the above decision in that the site is entirely typical of the Northern Vale Landscape Character Area and the assessment itself concludes that the site has more in common with the Landscape Character Area than it has distinguishing features.¹⁸⁹
- 2.85 Moreover, the assessment's consideration of landscape value fails properly to reflect the landscape value criteria that it purports to be using;¹⁹⁰ and, where it does touch upon matters relevant to these criteria, it does so incompletely and inconsistently and reaches conclusions which cannot be justified.

¹⁸⁶ BL1.14 paragraph 12.5.9 (compare HF1.5, Appendix 7.11)

¹⁸⁷ BL1.14 Table 12.3 (page 215)

¹⁸⁸ CD 5.1 paragraphs 149, 339, 342, 344, 347, 348 & 352 (Inspector's Report); & paragraphs 12, 17 (Decision)

¹⁸⁹ BL1.14 paragraph 12.3.14

¹⁹⁰ BL1.14 Table 12.1 (page 215) – see pages 234 - 235 for comparison

- 2.86 Fleet Marston is clearly at least a 'good' landscape,¹⁹¹ in that it is one that retains 'a positive character such as pattern or landcover and a sense of place or local or cultural associations and a degree of tranquillity'. The main failings of the assessment can be summarised as follows: -
- (a) the assessment is said to have been carried out by reference to a series of four questions;¹⁹² the first of which relates to landscape designation; but, given the criteria for a 'good' landscape, the lack of designation is unlikely to be a factor of any significance;
 - (b) the assessment does not ask or answer the question of whether the area 'retains a positive character';
 - (c) in addressing the question of landscape value, the assessment does not assess pattern of landcover/sense of place; it accepts that the landscape has some scenic qualities, but it does not identify what they are; it is said that the landscape 'lacks variety', but comparison with the Areas of Attractive Landscape is not appropriate as these are designated landscapes and 'variety' is not a criterion for identifying a landscape as 'good';
 - (d) the assessment suggests that the area has no intrinsic identity of its own;¹⁹³
 - (e) reliance is placed on the suggestion that the appeal site is 'not near villages or residential areas', despite the acknowledged adjacency of Berryfields;¹⁹⁴ however, 'proximity' is not a listed criterion,¹⁹⁵ and the inference that landscapes more remote from urban areas are inherently less valuable and more suitable for urban development than those closer to them is implausible;
 - (f) the assessment accepts that the site has 'cultural associations', but asserts that visible evidence of these associations is 'scant' notwithstanding the obvious presence of the church which provides a distinctive and interesting sense of place;¹⁹⁶ it contains no specific consideration of whether the church contributes to sense of place or significant cultural association; the overall value of the historic landscape is given as 'low'; and the impact of the development on the church is regarded as being 'major beneficial' in terms of the historic landscape;¹⁹⁷ and
 - (g) the issue of whether the site provides 'a degree of tranquillity' is not addressed, but a conclusion is reached that the site lacks tranquillity even though it is said that the impact of traffic noise from the A41 'is dependent on wind direction and is generally not great'.¹⁹⁸

Landscape condition and sensitivity

- 2.87 Before turning to consider the effect of the proposed development on the landscape, the following points should be noted about the existing nature and condition of the site and its surroundings, and the sensitivity of the landscape: -

¹⁹¹ BL1.14 Table 12.1 (page 215)

¹⁹² BL1.14 paragraph 12.3.21

¹⁹³ BL1.14 paragraph 12.3.22

¹⁹⁴ BL1.14 paragraph 12.3.22

¹⁹⁵ BL1.14 Table 12.1 (page 215)

¹⁹⁶ BL1.14 paragraph 12.3.22 (final bullet); cf BL1.13 paragraphs 2.61 - 2.62 (which describes the church as a 'very special ingredient' which has an 'exceptional quality'); BL/ML/2.1 paragraphs 1.12, 3.7, 3.12

¹⁹⁷ BL1.14 Tables 12.7 & 12.8 (pages 239, 243)

¹⁹⁸ BL1.14 paragraph 12.3.13 (fourth bullet)

-
- (a) the Landscape and Visual Impact Assessment suggests that *'the existing landscape within which this development site is now proposed provides the principal means by which it is visually absorbed'*.¹⁹⁹ However, the site is mainly flat, save for some *'very low ridges'* within the valley floor and the small rise at Saint Mary's church;²⁰⁰ and the virtually flat nature of the site is a feature in particular of the northern part of the site where most of the proposed development would be focussed;
- (b) the low hill on which the church is located is the only significant landform identified within the site, yet it is claimed that *'these locally significant landforms limit visibility within the Vale and this has a significant bearing upon the assessment of visual effects'*.²⁰¹ However, there is no further acknowledgment of that important factor when assessing the *'urbanising'* effects of Berryfields on the Northern Vale;
- (c) the assessment overlooks an important characteristic of the site namely its substantial arable fields, which are similar to those generally found in the Northern Vale, (recorded as a key characteristic in the Landscape Character Appraisal).²⁰² The effect of the development on this key characteristic is omitted from the evaluation of significance; and
- (d) there is a direct and significant conflict between the independent assessment of the condition of the Northern Vale Landscape Character Area as *'good'*, and the Landscape and Visual Impact Assessment's evaluation as *'poor'*.²⁰³
- 2.88 In terms of landscape condition, the Guidelines for Landscape and Visual Impact Assessment state: -²⁰⁴ *'the condition of the landscape refers to the state of an individual area of landscape and is described as factually as possible. Reference to the maintenance and condition of individual elements or features such as buildings, hedgerows, woodland or drainage systems can be helpful'*.
- 2.89 However, the conclusion that the landscape is in *'poor'* condition is reached despite the assessment recording: - *'this is not a landscape that is damaged or degraded in any conventional sense of those words'*. Rather, the conclusion relates to the condition of the Landscape Character Area as a whole.²⁰⁵
- 2.90 It is accepted that rather than being *'as factual as possible'* the assessment of condition is focussed very much on subjective judgmental factors such as aesthetic quality, sense of place and visual interest. By way of example, the assessment appears to treat the loss of settlement in the medieval period as a negative factor in the condition of the landscape. Similarly, the isolation of Saint Mary's church, and its historic associations, is treated as a detracting factor in the condition of the landscape; with a conclusion reached that by surrounding this isolated medieval church with modern development a *'major beneficial effect'* in landscape terms would occur.²⁰⁶ No reasonable assessment could reach that conclusion.

¹⁹⁹ BL1.1.4 paragraph 12.2.16

²⁰⁰ BL1.14 paragraph 12.3,11 (first bullet); BL/CB/1.1 paragraph 2.35

²⁰¹ BL1.14 paragraph 12.3,11 (first bullet)

²⁰² BL1.13 page 9; BL1.14 table 12.8 (page 243); AV/JB/1.1 paragraph 63

²⁰³ AV/JB/1.1 paragraph 78; BL1.14 paragraph 12.3.19

²⁰⁴ CD 7.13 paragraph 6.16

²⁰⁵ BL1.14 paragraphs 12.3.17 - 12.3.18

²⁰⁶ BL1.14 Table 12.8 (page 243)

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- 2.91 Similarly, the assessment of impact is based on the premise that the sensitivity of the landscape is 'low', whereas independent assessment finds it to be a landscape of 'high' sensitivity.²⁰⁷ If the latter is found to be a preferable assessment of the condition and sensitivity of the Landscape Character Area, it would have to be concluded that the Landscape and Visual Impact Assessment started from a false premise.
- 2.92 Barwood places heavy reliance on a critique, prepared on its behalf, of the Council's Core Strategy evidence base.²⁰⁸ Although that review directs criticisms at the Potential Development Areas around Aylesbury (Landscape Impact and Visual Impact Assessments) and the comparative assessments, which seek to rank the sites in terms of their suitability for development, the Council has not relied on the conclusions of those documents; and there is nothing to undermine the robustness and conclusions of the Landscape Character Assessment itself.
- 2.93 Moreover, the Inspector in the Quarrendon Fields appeal concluded: -
*'The Aylesbury Vale Landscape Character Assessment places the appeal site within the "Northern Vale" Character Area. There is no convincing evidence that this is other than a robust piece of work that has been undertaken in accordance with the methodology appropriate to such assessment.'*²⁰⁹
- 2.94 As to the suggestion that the assessment was unreliable because it had 'ignored' the Berryfields development, the study had specifically excluded the urban areas (because they were of a different character), but had assessed their impact. The criticism of limited field work²¹⁰ merely reflected the familiarity which the assessors had with the area having worked within it for some thirty years.
- 2.95 This is a valued landscape, and thus one that the National Planning Policy Framework makes clear is to be protected and enhanced. It has been assessed as being in good condition, and of high sensitivity. Part of the site is situated within an Area of Attractive Landscape, and the remainder forms an important part of the countryside views available from the surrounding Areas of Attractive Landscape, and forming a key characteristic of those locally designated landscapes.

Magnitude of change

- 2.96 It is common ground that the assessment of the magnitude of landscape impact is intended as far as possible to be an objective assessment; and that the assessment is intended to be based on two factors: -
- (a) the loss of, or alteration to, key elements/features/characteristics of the baseline landscape; and/or
 - (b) the introduction of elements that are uncharacteristic.²¹¹

²⁰⁷ BL1.14, paragraph 12.5.8; AV/JB/1.1 page 35

²⁰⁸ BL1.53 (re AV1.14; AV1.33; AV1.35; AV1.36; AV1.19)

²⁰⁹ CD 5.1 paragraph 339

²¹⁰ BL/CB/1.4 paragraph 2.13

²¹¹ BL1.14 Table 12.2 (page 215)

- 2.97 The Landscape and Visual Impact Assessment gauges the magnitude of change arising from the introduction of an urban extension into a relatively flat rural landscape as '*minor (low/slight)*'.²¹² That conclusion, which was unreservedly endorsed in evidence, flows from assessing the magnitude of change against the character area as a whole whose relative scale dilutes the resultant change; and it runs counter to the approach taken by the Secretary of State in the Quarrendon Fields decision.²¹³
- 2.98 Moreover, in assessing the nature of change, the analysis down-plays the degree of adverse change by praying in aid unspecified attributes and the phrase '*it is not a suburban estate that is being proposed here*'.²¹⁴ The reasoning is opaque and the introduction of dense urban development would undoubtedly result in the introduction of elements that are uncharacteristic of the existing open vale landscape.

Urbanising influences

- 2.99 A central theme of Barwood's case as to the suitability of the site for the proposed development is summarised as: - '*The presence of the existing railway line, the A41 and the development at Berryfields are all urbanising influences creating an increasingly urbanised context which extends the field of urban influence of Aylesbury*'.²¹⁵
- 2.100 However, the '*urbanising*' element of the railway was said to be its alignment and the resultant effect on the field pattern; yet it is not a prominent or readily visible landscape feature and railway lines are just as much a feature of the countryside as they are of the town.
- 2.101 In terms of the A41, it is common ground that it is no more than a road through the countryside, and that it has no greater urbanising effect where it passes through the site than anywhere else between the edge of the site and Waddesdon.
- 2.102 Although greater reliance is placed on the influence of Berryfields, the assessment of the suitability of that site as a Major Development Area, by the Inspector appointed to consider objections into the Aylesbury Vale District Local Plan, provides a number of pointers: -
- (a) one of the principal issues in the decision on whether or not to allocate the site was that of landscape and visual impact, including visual intrusion and impacts on views from the surrounding countryside and higher land;²¹⁶
 - (b) the Inspector expressed concern about the north-western extent of the proposed Berryfields development, which extended a short distance beyond the low ridge, and the heavy form of screen planting proposed, and the resultant '*unacceptable level of intrusion when viewed across the Vale floor from the north-west*';²¹⁷

²¹² BL1.14 paragraph 12.5.9: '*The development proposals at Fleet Marston will transform the whole site and this is unarguably a change whose magnitude is MAJOR (HIGH/SUBSTANTIAL in GLVIA terms) Taking the relative areas of the Fleet Marston site and the Northern Vale, one could reasonably conclude that the magnitude of change is MINOR (LOW/SLIGHT in GLVIA terms)*'

²¹³ CD 5.1 paragraph 342 (Inspector's Report)

²¹⁴ BL1.14 paragraph 12.5.11

²¹⁵ BL/CB/1.1 paragraph 2.28

²¹⁶ CD 3.5 paragraphs 5.20.8, 5.20.43

²¹⁷ CD 3.5 paragraph 5.20.45

- (c) the Inspector concluded that *'this potential intrusion should be obviated by the re-alignment of the north-western boundary immediately to the south-east of the ridgeline'*; and
- (d) the Inspector's conclusions show that the vale floor was treated as being a landscape worthy of protection; Berryfields was capable of being developed without unacceptable intrusion; and that the ridgeline was a natural feature of significance and importance.
- 2.103 The Fleet Marston Landscape and Visual Impact Assessment acknowledges the ridge as being a locally significant landform which limits visibility within the vale and which has a significant bearing on the assessment of visual effects. The ridge is also identified as forming the intermediate horizon, with the effect of locally limiting visibility.²¹⁸ However, no consideration is given to the likely effect of the proposed screen planting along the ridge between Berryfields and Fleet Marston.
- 2.104 The same Inspector, in considering whether land at Fleet Marston should be allocated for housing, found: - *'A particular concern with regards to the suggested Fleet Marston proposal is the degree to which the site extends into open countryside. Whereas the proposed Berryfields MDA is contained within the local landform, and can be more readily absorbed by careful landscaping, the more linear form of development suggested at Fleet Marston would extend development further along the A41(T) from the built-up area, and by reason of its overall shape would be more difficult to absorb into the local landscape'*.²¹⁹
- 2.105 The following are material to the overall assessment: -
- (a) from the A41 through the site there are no views of the railway; and the first of the limited groups of buildings, within or adjacent to the site, is some distance beyond the railway bridge (travelling northwards). Of these, the reclamation yard is well-enclosed and the buildings at Fleet Marston Farm (in various commercial uses) have the appearance of a typical farm yard;
- (b) within the south-eastern part of the site, the railway line is on embankment, with significant vegetation on it; it provides a visual barrier; and has the effect of visually linking the Berryfields ridgeline to the Putlowes ridgeline beyond;²²⁰
- (c) from the south-west (within the Area of Attractive Landscape) most of the site has a backdrop of an open rural vale landscape with rural hills beyond; and only a minority of the site has Aylesbury as a backdrop. In landscape terms there is nothing to distinguish the site from the land around it;
- (d) similarly, in views from the west-south-west, the site is seen in the context of open countryside and without Aylesbury as a backdrop;²²¹
- (e) in views from the west (Midshires Way), there is no real urban context to the site, which appears as open fields, a considerable distance into the countryside from Aylesbury and without any material landscape or visual link with the town;²²²

²¹⁸ BL1.14 paragraph 12.3.11 (first bullet); Figure 12.7; paragraph 12.5.16

²¹⁹ CD 3.5 paragraph 6.22.11

²²⁰ AV/JB/1.1.6 (photograph)

²²¹ AV/JB/1.1.9 (photograph)

²²² AV/JB/1.1.7 (photograph)

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- (f) in views from the north (Pitchcott/Oving) the southern section of the site is seen against a backdrop and a foreground of open countryside, and there is nothing to distinguish it from the adjacent areas of the Northern Vale Landscape Character Area. The nature of the impact varies according to the position of the viewer along that route (in some instances the shoulder of Pitchcott Hill limits the view of the site); and the extent to which Berryfields appears as a backdrop reduces from west to east;²²³ and
- (g) in views from the north, along Quainton Road, there is a clear sense of being on the vale floor and within the open countryside; the Berryfields ridge is clearly apparent (albeit associated planting is not yet in place). Looking towards the south-eastern section of the site, Saint Mary's church is clearly visible on the rise, appearing as an isolated building with open countryside in front and behind. Facing to the north-west, the topography is fairly flat; the railway at this point does not provide any significant visual or landscape barrier; and the site is viewed against a backdrop and foreground of indistinguishable open countryside. It is here that the tallest buildings are proposed, hard up against the railway line.²²⁴

Site boundaries

- 2.106 The Landscape and Visual Impact Assessment asserts that the aim has been to achieve a good landscape *'fit'* by being deferential to the principal landscape features within the site.²²⁵ However, this is not borne out: -
- (a) the Inspector (Aylesbury Vale District Local Plan), in considering the suitability of the Fleet Marston site,²²⁶ observed that the proposals were *'somewhat contrived'* and appeared *'to reflect commercial interests rather than local landscape or other physical features'*.²²⁷ It is agreed, in relation to the western boundary of the site (northern side of A41), that there are no significant local landscape or physical features to distinguish one side of this boundary from the other; and
- (b) despite this finding, the Landscape and Visual Impact Assessment identifies the *'recently planted'* woodland along this boundary as being one of three *'key elements'* influencing the proposal and giving shape to the development. The planting is acknowledged to be *'not particularly well-managed'*;²²⁸ it is only a few metres wide; and on virtually flat ground. It is highly unlikely that this would be sufficient to contain the influence of development.
- 2.107 The A41 and railway corridors are also said to be strong defining elements within which the majority of the development would be contained.²²⁹ However, the road bisects the site; and the railway provides a logical and natural edge to Aylesbury where it is on embankment (south-eastern part of the site). At that point it links to the Berryfields ridge and provides a clear, logical, and defensible boundary. Elsewhere, its containing effect is limited. It is the Berryfields ridge which provides a logical topographical limit to the town, and there is no other equivalent feature that would provide a limit to further development in the Northern Vale.

²²³ BL1.14 paragraph 2.2.15; BL1.14 (Part 2) Figure 9; AV/JB/1.1.2; HF/4/2 Appendix 14 (Visualisation 1)

²²⁴ BL1.23 page 32

²²⁵ BL1.14 paragraph 12.4.2 (see also BL/CB/1.1 paragraph 2.2ii)

²²⁶ AV/JB/1.1.17 (comparing the site considered by the Inspector and the current appeal site)

²²⁷ CD 3.5 paragraph 6.22.10

²²⁸ BL1.14 paragraph 12.4.6 (NB no reference is made to the AVDLP Inspector's comments)

²²⁹ BL1.1 paragraph 12.4.5

The impacts of the development

2.108 It has already been demonstrated that the Landscape and Visual Impact Assessment has underestimated the value and sensitivity of the receiving landscape, underestimated the visibility and impact of the proposed development, failed to properly justify and explain the assessment, and reached conclusions which are neither reasonable nor rational. Two examples illustrate these concerns:-

(a) Views from the Area of Attractive Landscape at Coney Hill

- (i) the views from Coney Hill are agreed to be important;²³⁰
- (ii) although the Landscape and Visual Impact Assessment states that the focus of views is on Weedon and Hardwick beyond, it is apparent that it is also on the large open Northern Vale landscape in between – which includes the land forming the appeal site as a typical part of that landscape;²³¹
- (iii) the Landscape and Visual Impact Assessment states that Hardwick church is a *'prominent landmark'*;²³² despite being nearly 6 kilometres away, with a solitary tall element (the tower) about 15 metres high, and it is seen against the backdrop of the hill rather than the skyline;
- (iv) the Fleet Marston development, with large numbers of considerably bulkier modern buildings up to 13 metres high, would be only 1.5 kilometres from the viewer; buildings of this type and scale would form significant and uncharacteristic features in the view. Although the Landscape and Visual Impact Assessment recognises that the development would be *'clearly visible'* from this highly sensitive receptor, this is said to produce only a *'moderate adverse'* effect.²³³ However, it was agreed that there was no explanation of what magnitude of effect has been identified, and it was unclear how the conclusion had been reached that this was only a *'moderate effect'*.
- (v) Barwood's landscape evidence (*'..... the site is barely discernible in the views and as a result the development will not intrude into those views or upon the ability to enjoy panoramic views across the landscape'*)²³⁴ is not reconcilable with the Landscape and Visual Impact Assessment (*'the development would constitute a noticeable deterioration in the existing view'*);²³⁵
- (vi) the significance of the Area of Attractive Landscape designation has not been adequately reflected in Barwood's assessment or in its evidence;
- (vii) the Landscape and Visual Impact Assessment treats Policy RA.8 as being relevant;²³⁶ although only a small part of the site (5.5 hectares) is within the designated area,²³⁷ this does not undermine its value; the purpose of the policy is to protect those landscape features and qualities that are worthy of protection; however, this is not replicated in the evidence;²³⁸

²³⁰ BL1.14 paragraph 12.4.4; & BL/CB/1.1 paragraph 2.41 ii

²³¹ HF/4/2 Appendix 14 (Visualisation 2); & BL/CB/1.1 paragraph 2.41 ii

²³² BL1.14 paragraph 12.4.4

²³³ BL1.14 pages 251 & 252 (View 3B)

²³⁴ BL/CB/1.1 paragraph 3.22

²³⁵ BL1.14 Table 12.5 (page 218)

²³⁶ BL1.14 Table 12.6 (page 226)

²³⁷ BL/CB/1.1 paragraph 2.21; CD 5.1 paragraph 342 (Inspector's Report)

²³⁸ BL/CB/1.1 paragraphs 3.25 – 3.30

- (viii) it is agreed that the character of the designated area where it is within or overlooking the appeal site is open countryside, often with views over the rural landscape of the vale; formal sports provision within this area would result in a significant change in character and it would no longer have the same character as the adjoining areas within the Area of Attractive Landscape;
 - (ix) the relevant section of the Area of Attractive Landscape to the south of the site falls within the Waddesdon-Eythrope Parkland Landscape Character Area; one of the '*key characteristics*' of this area is the long distance views over surrounding countryside from vantage points;²³⁹ traffic on the A41, and the suburban fringe and school grounds on the south side of Waddesdon are identified as intrusive elements;
 - (x) from the significant view sequence near Coney Hill Farm, the proposed development would occupy a substantial portion of the view;²⁴⁰ and it would plainly have a significant adverse impact on this key characteristic of the Area of Attractive Landscape; and
 - (xi) the same position applies to the designated area to the north, (Quinton Hills Area of Attractive Landscape) which has the defined key characteristic of '*long distance views over the surrounding countryside*' (which includes the countryside within which the appeal site lies).
- (b) Views from the A41**
- (i) although the occupants of vehicles travelling on the A41 are not one of the most sensitive receptors, their importance can be affected by the number involved;²⁴¹ the A41 through the site has heavy traffic flows; this represents an important material consideration; and reinforces the fundamental landscape objection; and
 - (ii) currently those using the A41 west of the '*gateway*' railway bridge experience essentially rural views; a densely developed urban landscape would constitute a fundamental change which would be an '*adverse*' change for anyone who values rural views. Such effects are not reflected in the Landscape and Visual Impact Assessment.

The Core Strategy Inspector's Interim Report

- 2.109 Much has been made by Barwood of the Inspector's Interim Report by seeking to elevate it to the status of an '*in principle*' decision endorsing the acceptability of development at Fleet Marston. Although the report is a material consideration it is important to understand its context, and the careful terms in which the Inspector expressed himself.
- 2.110 In order to accommodate the level of growth required by the South East Plan, the Council identified a preferred linked set of proposed development sites to the east of Aylesbury (Aylesbury Growth Arc). Barwood, and other developers, sought to persuade the Inspector of a different approach which would have included the allocation of their respective sites.

²³⁹ AV1.14 Landscape Character Area 9.4

²⁴⁰ HF/4/2 Appendix 14 (Visualisation 2)

²⁴¹ CD 7.13 paragraph 7.49 (third bullet)

- 2.111 In his Interim Report, the Inspector requested the parties' views on what he characterised as his *'preliminary findings'* about the proposed strategy for the Aylesbury Growth Arc, and in particular whether it would ultimately be found to be the most appropriate strategy *'when compared with alternatives'*.²⁴²
- 2.112 It is evident that the Inspector was not reaching any conclusion on alternative strategies, and whether or not they would be more appropriate than the Council's preferred strategy. He requested the Council to investigate combining land to the south-east of Aylesbury (Site D) with Fleet Marston and one other without implying that this would be the most appropriate strategy; it was merely a means of providing comparison to enable him to reach an informed decision on the plan before him.²⁴³
- 2.113 The Inspector went on to state in clear terms that: - *'Although this preliminary finding provides an indication as to how the CS might be changed to make it sound, I would need to see the outcome of this further work and the nature of any representations before reaching a firm conclusion*'.²⁴⁴ None of that further investigation took place, no further Sustainability Appraisal or consultation was undertaken, and the merits and de-merits of any revised option were never subject to scrutiny in the examination process.
- 2.114 Thus, the Interim Report is very far from an in principle conclusion that the development of a substantial urban extension at Fleet Marston was acceptable in planning terms.
- 2.115 The circumstances of Fleet Marston can be compared with 'Berryfields East' (Site A), subsequently referred to as Quarrendon Fields. The Core Strategy Inspector described the site as having *'a very similar visual quality to the adjoining land of the committed Berryfields development'*.²⁴⁵ In a subsequent planning appeal the appellant prayed in aid the lack of adverse comments in the Interim Report but it was, nevertheless, found to give rise to unacceptable harm when properly assessed through the development management process.²⁴⁶
- 2.116 Building on the context of the Inspector's Interim Report the following points are specific to the landscape and visual effects of the proposed development: -
- (a) the Inspector specifically concluded that Fleet Marston would be seen as an isolated development in the countryside, separated by the railway line; yet there is no acknowledgment of, or response to, this criticism in evidence;
 - (b) it appears that Barwood's case has been prepared on the understanding that the Inspector had actually endorsed the Fleet Marston scheme;²⁴⁷
 - (c) the Interim Report does not endorse any particular scheme for Fleet Marston or any other site;

²⁴² AV1.8 paragraphs 1, 3

²⁴³ AV1.8 paragraph 6

²⁴⁴ AV1.8 paragraph 6

²⁴⁵ AV1.8 paragraph 9

²⁴⁶ CD 5.1 Inspector's Report paragraph 349; & Secretary of State's Decision paragraph 12

²⁴⁷ BL/CB/1.1 paragraph 4.49

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- (d) the limitations of this report in a section 78 context can be seen in the Quarrendon Fields decision;
 - (e) great reliance is placed on the absence of any response at the time from the Council to the appellant's critique of the comparative site assessments which formed part of the Core Strategy evidence base;²⁴⁸ however, the authority does not rely on those comparative assessments in this appeal; and, given the absence of a substantive response, it follows that the Core Strategy Inspector's preliminary views were formed on the basis of an incomplete evidence base; and
 - (f) the Interim Report was apparently informed by the Landscape and Visual Impact Assessment submitted as part of the Fleet Marston planning application without any equivalent critique by the Council; and, if the current critique has merit, it would constitute an important material consideration.²⁴⁹

Night-time effects

- 2.117 Although the Landscape and Visual Impact Assessment acknowledges that the site is currently dark,²⁵⁰ its assessment of the effects of the proposed development is seriously deficient (contrary to the relevant guidelines)²⁵¹ and its failings have not been rectified in evidence.²⁵² Whilst a single photograph was tendered to represent the current baseline, it was neither representative nor instructive in reaching a fair and balanced assessment.²⁵³
- 2.118 Reliance on the proposition that views from existing settlements would already be tainted by illumination from within them, effectively down-grades the resultant impacts; and the effect on those travelling on roads at night is similarly reduced as road users *'will be travelling with the benefit of headlights and therefore not entirely able to appreciate the extent of change beyond the immediate context'*.²⁵⁴ However, that ignores the fact that the route currently passes through a dark rural area. Reference should also be made to an appeal decision (Valley Farm) where the Inspector regarded impact on road users at night as being a significant factor weighing against the scheme.²⁵⁵
- 2.119 If the site were to be developed, the combination of illumination of the road, vehicle lights, and the significant light produced by the buildings themselves would produce a dramatic adverse change that would be readily apparent to those living in the settlements and properties which overlook the site, and to those driving through the site during the hours of darkness.²⁵⁶

²⁴⁸ BL/CB/1.4 paragraph 2.3

²⁴⁹ BL/CB/1.4 paragraph 2.5

²⁵⁰ BL1.14 paragraph 12.5.31

²⁵¹ AV/JB/1.1 paragraphs 510 - 511

²⁵² BL/CB/1.1 paragraph 5.19

²⁵³ BL/CB/1.2 (Photoviewpoint 5)

²⁵⁴ BL/CB/1.1 paragraph 5.21

²⁵⁵ AV1.122 paragraphs 455, 456, 471 (Inspector's Report)

²⁵⁶ AV/JB/1.1 paragraphs 513 - 514

Aylesbury Vale District Local Plan: Policy GP.35

- 2.120 A matter arises as to whether Policy GP.35 is relevant to the determination of an outline planning application.²⁵⁷ Four appeal decisions are relevant: -
- (a) at Winslow the Inspector included the policy in a list of development plan policies that were said to be relevant, and the effect of those policies was, collectively, to *'seek to protect and enhance the diversity and local distinctiveness of the region's landscapes'*;²⁵⁸
 - (b) in a second appeal at Winslow a different Inspector came to the conclusion that the policy related primarily to detailed design matters;²⁵⁹
 - (c) at Valley Farm the Inspector, with both of the above decisions before him, concluded that GP.35 was relevant: - *'..... Policy GP.35 advocates respect for and complements to key features, including the physical characteristics of the site and surroundings; the context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines'*.²⁶⁰ The Secretary of State endorsed those conclusions;²⁶¹ and
 - (d) the Quarrendon Fields Inspector was also provided with a copy of the second Winslow decision; and identified GP.35 as being breached by an outline application which gave rise to undue harm to the landscape.²⁶² Again, the Secretary of State endorsed that finding.²⁶³
- 2.121 Overall, the policy is part of the plan which is intended to secure good design, including whether development is right for its place. If it is not, it will constitute poor design contrary to the aims of the policy as expressed in the accompanying text. Taking the relevant criteria identified by the policy itself, such a development would not respect and complement: -
- (a) the physical characteristics of the site and the surroundings;
 - (b) the historic scale and context of the setting;
 - (c) the natural qualities and features of the area; or
 - (d) the effect on important public views and skylines.
- 2.122 In those circumstances there would be a breach of the policy and its objectives. However, the applicability or otherwise of Policy GP.35 ought not to determine the outcome of Barwood's appeal (or the other appeals) as all parties have proceeded on the basis that the Secretary of State will need to apply paragraph 14 of the National Planning Policy Framework.

Conclusions

- 2.123 Overall, the proposed development at Fleet Marston would lead to significantly adverse landscape and visual impacts on the surrounding landscape. It would be contrary to Policy GP.35 and, more particularly, with the National Planning Policy Framework's commitment to conserving and enhancing the natural environment. The adverse landscape impacts should weigh heavily against the proposal in the overall planning balance.

²⁵⁷ AV/PJ/5.1 paragraphs 3.7 - 3.9

²⁵⁸ AV1.119 paragraphs 22, 26, 31

²⁵⁹ AV1.122 paragraph 20

²⁶⁰ AV1.120 Inspector's Report paragraph 447

²⁶¹ AV1.120 Secretary of State's Decision paragraph 16

²⁶² CD 5.1 Inspector's Report paragraph 352

²⁶³ CD 5.1 Secretary of State's Decision paragraph 12

The second main consideration: the effect of the proposed development on heritage assets

(a) Saint Mary's church

Introduction

- 2.124 Saint Mary's, Fleet Marston is a grade II* listed church and a designated heritage asset of national importance.²⁶⁴ The crucial factor in its heritage significance is its isolated setting and its very isolation is evidence of its historical significance, and serves to provoke enquiry and appreciation of its particular special interest.
- 2.125 The proposed scheme would replace that isolation with built development surrounding the church; and the qualities that make the church so special as a relic and reminder of mediaeval depopulation would be gone forever. The proposal would result in a fundamental and adverse impact on the setting of the church; and, whether or not that would constitute '*substantial*' harm (in heritage terms), the level of harm would be such that significant weight ought to be attached to it in the overall planning balance.
- 2.126 Moreover, very little, if any, weight could be ascribed to the heritage '*benefits*' (on which the Barwood's case so heavily depends); and the position could be characterised as a balance between the certainty of significant harm, and an uncertain and unsecured aspiration to achieve benefits – none of which are needed to ensure the long-term preservation of the asset in good condition.
- 2.127 The key conclusions which can be drawn from the Council's evidence are: -
- (a) the importance of the current setting to the significance of the church is considerable;
 - (b) the proposed development, by virtue of its complete removal of the undeveloped, agricultural, setting and the severing of the clear visual and evidential link with its history as an actively depopulated medieval village, would cause harm to the significance of the heritage asset;
 - (c) the harm would be '*high adverse*' and of '*major significance*' in Environmental Impact Assessment terms, and should only be judged acceptable if the scheme is considered to deliver a correspondingly substantial level of public benefits to outweigh the harm;
 - (d) the building is in good condition and at no imminent risk of damage or loss. It is in the safe hands of the Churches Conservation Trust and its future care and maintenance is assured without the need for any development of the site;
 - (e) the asserted heritage benefits would be of limited significance at most; it is questionable whether they could be delivered; and it is likely that changes to the fabric of the building, in order to accommodate increased community use, would result in further harm to the significance of the asset; and
 - (f) the heritage benefits would not be sufficient to outweigh the harm that would be caused.

²⁶⁴ AV/EH/4.1 Appendix 1 (Listing Description)

Identification of the setting of the church

- 2.128 English Heritage's guidance on the setting of heritage assets²⁶⁵ assists in understanding how the setting of a building may contribute to its significance; it advises a staged approach which is agreed to reflect best practice.²⁶⁶ This requires, firstly, the identification of the setting and the contribution it makes to the church's significance. The agreed approach to this issue is to apply the 'key principles' from Planning Policy Statement 5: Planning for the Historic Environment Practice Guide.²⁶⁷
- 2.129 Setting is the surroundings in which an asset is experienced; and, in the case of the church, its setting is defined in broad terms by the railway line, the A41 and Berryfields.
- 2.130 Setting is also influenced by other environmental factors, including spatial associations and by an understanding of the historic relationship between places; and the contribution that setting makes to the significance does not depend on public access. According to English Heritage: -
- 'The second benefit offered appears to arise from the fact that more people are likely to have access to the church if the development around it takes place, and will therefore be able to appreciate it the lack of access to the church is rather exaggerated and no evidence is offered that the current arrangements are likely to cease, or cannot be improved. The relatively limited access is a feature of exactly that isolated location which contributes to its significance.'*²⁶⁸
- 2.131 However, the Environmental Statement submitted in support of the application, and which informed the development of the scheme, treated the setting of the church as being confined to the churchyard.²⁶⁹

Contribution of the setting to significance

- 2.132 The English Heritage guidance explains: - *'the sensitivity of an asset's setting to change cannot depend on the number of people visiting it, as this will not adequately take account of other attributes such as quiet, tranquillity or remoteness'*.²⁷⁰ The parallel with Saint Mary's church, and what its isolation imparts about the process of medieval depopulation, is immediately apparent.
- 2.133 The guidance identifies a non-exhaustive list of potential attributes which may contribute to the importance of setting; and makes plain that only a limited selection of these attributes is likely to be particularly important in terms of any single asset.²⁷¹ Those most relevant here are: - *'topography'* and *'visual dominance, prominence or role as a focal point'*. In this instance the elevated location of the church, within a generally flat vale, increases the sensitivity of its setting; and it thus reduces its capacity to accommodate change without harm to the asset's significance.

²⁶⁵ CD 7.22

²⁶⁶ BL/CM/3.2 Appendix 3 paragraph 2.35

²⁶⁷ CD 7.23 page 5

²⁶⁸ BL/CM/3.2 Appendix 7 pages 0117, 0118

²⁶⁹ BL1.14 Part 2 Appendix 13D paragraph 4.5

²⁷⁰ CD 7.22 Figure 11 (page 12)

²⁷¹ CD 7.22 page 19

- 2.134 In terms of evidential value, it is common ground that the setting of the church has evidential value as a *'tangible memorial of the village it once served'*.²⁷² The consensus view of the expert witnesses representing the Council, the Consortium and Hallam is that its isolated setting provides evidential value.²⁷³ This is reflected in the views of English Heritage: -
- '..... the church formed the focus for a settlement here in the Middle Ages, and the village of Fleet Marston is known to have been depopulated through the fifteenth and sixteenth centuries. The church and its setting, alone and without any adjacent settlement or dwellings, have value in the way in which they illustrate the process of late medieval depopulation'*²⁷⁴
- 2.135 The views of English Heritage should be given substantial weight, not just because of their role as the advisors to the Secretary of State on such matters, but also as the authors of the relevant guidance.
- 2.136 Turning to historical value, the church's isolated setting also contributes to its historical value;²⁷⁵ and it is clear that the historical value goes beyond the physical structure of the church, in understanding what the building tells us about the past.
- 2.137 The aesthetic value of the asset has been defined, in Barwood's approach, very narrowly to the physical interest of the structure, and to treat setting as irrelevant to aesthetic value.²⁷⁶ This is not supported by any published guidance and it is directly at odds with the consensus view of the other experts who have expressed a view on the matter.²⁷⁷ English Heritage's view is unequivocal: -
- 'Even if the illustrative and associative values deriving from a known historical trajectory were to be set aside, the church in its current setting derives an aesthetic value from its very conspicuous isolation'*.²⁷⁸
- 2.138 Finally, in terms of communal value, it is common ground that the church has significant communal value in its present form and without the intervention of the appeal proposals.²⁷⁹

The 'older' or 'original' setting

- 2.139 The Environmental Statement seeks to distinguish between the setting of the church and its original setting: -²⁸⁰
- 'The setting of the church – that is the land around it which has a historical and visual connection with the building – is contained within the churchyard beyond the original setting (the original medieval buildings and structures that must have once stood nearby) has been eroded. The modern arable field contains the church and its churchyard, but in its present form it does not have a sufficiently strong historical relationship with it to provide it with an appreciable "setting"'*

²⁷² BL/CM/3.2 Appendix 2 paragraph 42

²⁷³ AV/EH/4.1R Table 3

²⁷⁴ BL/CM/3.2 Appendix 7 page 0117

²⁷⁵ AV/EH/4.1R Table 3

²⁷⁶ BL/CM/3.2 Appendix 2 paragraph 4.4; Appendix 3 paragraph xvi (page 0053)

²⁷⁷ See AV/EH/4.1R Table 3

²⁷⁸ BL/CM/3.2 Appendix 7 page 0117

²⁷⁹ BL/CM/3.2 Appendix 2 paragraph 45; Appendix 3 paragraph 2.29

²⁸⁰ BL1.14 part 2 Appendix 13D paragraph 4.5

- 2.140 This is carried forward into Barwood's evidence: - '*..... the lack of any clear evidence of that older setting*'.²⁸¹ It is a misconceived approach because: -
- (a) the very fact that the church's isolation is not representative of its original situation, and what that tells us about the past, is what makes it so interesting;
 - (b) English Heritage's guidance on setting explains that change in the original setting of an asset can enhance its significance;²⁸²
 - (c) this is an example where the change (i.e. the loss of the original village) enhances significance;
 - (d) at no stage in the church's history has it had a setting which included a dense urban settlement of anything like the size and type now proposed; and
 - (e) no historical value would be gained by surrounding this isolated church with modern housing.

Impacts on the setting of the church

- 2.141 The cross-sections of the site (provided by the Consortium) are agreed to be accurate and helpful in assessing the relationship of the proposed dwellings with the church (albeit the buildings are not shown at the full height for which planning permission has been sought).²⁸³
- 2.142 Neither the Environmental Statement nor the Fleet Marston PPS5 Assessment²⁸⁴ provides an equivalent comparison; and the evidence relies on '*the anticipated scale of the development and its location on lower ground*'²⁸⁵ with the subsequent recognition that this would be insufficient to avoid the proposed buildings rising above the top of the church. It is apparent that the proposed development, with dwellings surrounding it at a density of 40 dwellings per hectare (increasing to 60 dwellings per hectare)²⁸⁶ would obscure the church from most views beyond and remove a key contribution to its significance.
- 2.143 With the exception of Barwood's expert witness, those representing the Council, the Consortium and Hallam are of similar opinion²⁸⁷ and that body of expert opinion is broadly consistent with the views of English Heritage, namely that the development would remove any contribution that the setting makes to the significance of the asset, and that the mitigation would not outweigh the harm.²⁸⁸
- 2.144 Moreover, Barwood sought to place some reliance on the assessment of the County Archaeologist of '*less than substantial harm*', despite the Council's acknowledgement that this was not a matter where they had principal responsibility for providing advice.²⁸⁹ The County Council's response was also contingent on the appellant entering into a legal agreement to secure the claimed benefits; which has not been provided.

²⁸¹ BL/CM/3.1 paragraph 6.5

²⁸² CD 7.22 page 7

²⁸³ HF/4/2 Appendix 5; HF/4/2 Appendix 13

²⁸⁴ BL1.14 Part 2 Appendix 13; BL/CM/3.2 Appendix 3

²⁸⁵ BL/CM/3.1 paragraph 6.10

²⁸⁶ BL1.23 page 33

²⁸⁷ AV/EH/4.1 paragraphs 222, 227; HF/6/2 paragraphs 4.6.2, 6.2.3;

HL/PD/1/1 paragraphs 1.3.1, 3.5.9

²⁸⁸ BL/CM/3.2 Appendix 7 pages 0117 - 0118; AV/EH/4.1R paragraph 4.3

²⁸⁹ BL/CM/3.2 Appendix 8 page 0128

- 2.145 In the event, the following points in relation to the level of harm that would arise as a result of the proposed development were accepted: -
- (a) a fundamental change to the setting of a heritage asset amounts to a high adverse impact;²⁹⁰
 - (b) there is a consensus amongst all expert witnesses to the inquiry (including Barwood)²⁹¹ and English Heritage²⁹² that what is proposed would equate to a fundamental change to the setting of the church;
 - (c) as a grade II* listed building the church is of national significance;
 - (d) adopting the approach in the Environmental Statement,²⁹³ the combination of a nationally significant asset and a high adverse impact produces an impact of major significance;
 - (e) harm is agreed to occur, (significant for Environmental Impact Assessment purposes);²⁹⁴
 - (f) the 'score' given in the Environmental Statement²⁹⁵ cannot be the correct classification;
 - (g) the approach in the Environmental Statement Addendum refers to the harm being 'outweighed' by other factors;²⁹⁶ but those factors do not affect the setting itself, or the extent to which the development proposed within the setting would harm it; and
 - (h) if those factors were to be set to one side in assessing impact on setting, the conclusion would be an adverse effect of major significance.
- 2.146 Against this background the clear conclusion is that the adverse impact on the significance of the church as a designated heritage asset would be one of major significance.
- 2.147 The National Planning Policy Framework makes clear that great weight is to be given to the conservation of nationally important heritage assets; that significance can not only be harmed but also potentially lost through development in the setting of a listed building; and that any harm requires clear and convincing justification.²⁹⁷

The use of the church

- 2.148 Barwood's case places substantial reliance on asserted benefits in terms of the future use of the church. However, once an 'in principle' decision has been made to allow the development, the local planning authority would not be able to re-visit that decision if the claimed benefits failed to materialise, or if they could only be realised at significant cost to the physical fabric of the asset. Accordingly, if weight is to be attached to any such 'benefit', it is essential to be assured of its realisation; and to understand the potential impacts on the fabric and/or internal layout/appearance of the building.

²⁹⁰ BL1.14 Table 13.2 (page 266)

²⁹¹ BL/CM/3.1 paragraph 2.4

²⁹² BL/CM/3.2 Appendix 7 page 0117

²⁹³ BL1.14 Table 13.1 (page 268)

²⁹⁴ BL/CM/3.2 Appendix 3 paragraph 3.20 (page 0069)

²⁹⁵ 'negligible/neutral' – see BL1.14 Table 13.5 (page. 64) which equates to 'no perceptible change' (Table 13.2)

²⁹⁶ BL1.24 paragraph 13.4.2

²⁹⁷ CD 4.1 paragraph 132

- 2.149 It is also relevant to ask how those asserted '*benefits*' for the heritage asset compare to the position in the '*do nothing*' scenario (i.e. what would happen if planning permission were to be refused).
- 2.150 Prior to the Inquiry, the Churches Conservation Trust expressed some serious concerns regarding the deliverability of a meaningful community use for the church because of its limited size;²⁹⁸ but since then it has proved difficult to obtain the views of the Trust at first hand.
- 2.151 However, the following matters were agreed with Barwood about the current role of the Trust: -
- (a) the appellant makes no criticism of the stewardship of the Trust, which has an ongoing commitment to the care and maintenance of the church and brings an unparalleled level of expertise and experience to that task;
 - (b) the Trust provides long-term stability and reliability as a custodian, and has made a substantial investment in the physical fabric of the church;
 - (c) there is no evidence to suggest that the level of care by the Trust is leading to deterioration in the condition of the building or that any deterioration is anticipated;²⁹⁹ and
 - (d) the Trust is well placed to provide ongoing care and stewardship, and the absence of a local group wishing to look after the church is of no particular significance in those circumstances.
- 2.152 The church remains consecrated with no plans to change that; and, although there is no regular congregation, the church remains in active use. The uses of the building facilitated by the Trust are low impact, consistent with its ongoing consecrated status, and which do not require any physical alterations.
- 2.153 In short, the church is in good repair, in safe hands and its future is secure for the long-term – without the need for any harmful development within its setting.
- 2.154 Discussions between Barwood, the Trust and the Diocese have been taking place for more than four years to try and identify a suitable future use; but none, including the Trust's preference for reinstatement as a functioning church,³⁰⁰ has been agreed. Moreover, there is nothing to suggest that the Diocese is prepared to support the concept of use for regular worship because: -
- (a) finding viable long-term uses for churches which no longer have a viable congregation is a familiar and widespread problem;
 - (b) the problem arises as a consequence of a decline in Church of England congregations;
 - (c) there is no evidence assessing what would be necessary in order to establish a viable congregation here, and to return the church to use for regular worship;

²⁹⁸ AV/EH/4.1R paragraphs 5.8 - 5.10

²⁹⁹ BL/CM/3.2 Appendix 7: page 0117 (paragraph 4)

³⁰⁰ BL/CM/3.2 Appendix 5 page 0090

- (d) it is no part of the appellant's case that future residents of the new community would be any more observant than the population at large; and
- (e) there is no evidence from the Diocese as to what would be required or whether this is a likely prospect.

2.155 Further, in terms of potential community uses: -

- (a) accommodating alternative viable uses within churches can often involve accepting compromises to their physical fabric;
- (b) churches with particularly sensitive and/or restrictive interiors are likely to pose the most difficult issues in that respect because, unless one accepts changes to the fabric, it limits the uses that can be accommodated;
- (c) this is a relatively small church, which has not experienced much in the way of enlargement and alteration compared to many others;
- (d) its modest proportions and the simple mediaeval character of its interior have evidential value because their survival stems from the effects of depopulation, and add to its significance; and
- (e) those same characteristics mean that the church lacks facilities that would be needed for many community uses, such as lavatories, kitchen facilities, lighting, electricity and heating.

2.156 However, the likely impact on the physical fabric of the building, in order to accommodate community uses has not been addressed; yet a different and more intensive use would require alterations to the fabric of the building with further harm to the significance of the asset. That would inevitably affect the weight that could be attached to the *'benefit'*.

2.157 The appellant's position is to invite the Secretary of State to attribute significant weight to the *'benefit'* without providing any assessment of the likely extent or effect of the alterations needed to achieve it. However, that is not a sustainable position to adopt.

The suggested conditions and the Memorandum of Agreement

2.158 The Council's position in relation to Barwood's submissions about the veracity of the suggested planning conditions and the Memorandum of Agreement with the Churches Conservation Trust can be summarised as follows: -³⁰¹

- (a) the appellant's evidence relies on the achievement of three matters in order to seek to offset the major harm to the setting of the listed church: -
 - (i) the use of the church for regular worship;
 - (ii) the use of the church for community purposes; and
 - (iii) the removal of the financial burden of future maintenance from the Trust and the provision of its future financial maintenance in perpetuity by Barwood;
- (b) the conditions would not secure those matters because: -
 - (i) the conditions would not secure the use of the building for regular worship or community use;

³⁰¹ AV1.139; CD 6.28 (letter from AVDC to Chilmark dated 15 November 2013)

-
- (ii) the conditions would not secure the provision of finance to the Trust from Barwood for the future maintenance of the church in perpetuity; and
 - (iii) it has not been established that there is any power to enable the use of a church for both regular public worship and for a separate secular use;³⁰²
 - (c) there is a disconnect between the requirements of draft condition 23 (repair and renovation sufficient to allow continued use as a place of worship) and the scope of the works anticipated by Barwood, which include significant works such as the provision of heating, lighting etc;
 - (d) similarly, Barwood's understanding of what would be encapsulated by the '*scheme of works*' seemingly includes commitments by the Trust in terms of access, expenditure of monies and making the church available for various uses. Not only does this go well beyond what could appropriately be covered by a scheme of works, but the Trust would not have control over the scheme which is submitted and approved. However, the Trust would be liable for enforcement action in the event of non-compliance;
 - (e) the Trust has explained that there is no intention to bring the church back into use for regular public worship;³⁰³ and there is no intention by the Trust or the Church of England through the Bishop of Oxford to undertake the necessary measures to achieve this. Nor is there any evidence this is considered realistic or achievable by either body;
 - (f) condition 23 does not mention community use, let alone secure the use of the church for that purpose; and the Trust's letter refers only to continued use for occasional worship;³⁰⁴
 - (g) the tests for the imposition of a *Grampian* condition would not be met; and, in any event, a condition which only prevented one phase of the development (containing the church) coming forward is in the circumstances unacceptable;³⁰⁵
 - (h) the conditions do not make provision for the payment of monies to the Trust for the future financing of the building in perpetuity; and the appropriate mechanism through a planning obligation has not been pursued;
 - (i) the conditions would only achieve a requirement for the Trust to produce a scheme of works of renovation and repair of the church to enable continued use as a place of occasional worship and the provision of a maintenance plan; and for such works to be carried out as approved; and
 - (j) the conditions would achieve no more than is already taking place in a satisfactory manner.

2.159 The Inspector's note issued during the Inquiry indicated that: -³⁰⁶

- (a) there was nothing to show that the Trust or any other relevant party, had been consulted on the draft conditions;
- (b) the documented '*support in principle*' for the scheme does not appear to relate to any of the measures anticipated by the conditions;

³⁰² under the Mission and Pastoral Measure 2011 (or any other enactment)

³⁰³ CCT1

³⁰⁴ CCT1

³⁰⁵ AV1.139 paragraphs 22 - 26

³⁰⁶ X/5

- (c) the absence of clear evidence of the Trust's current position in direct response to the conditions sought, is material to the consideration of the '*no prospect test*'; and
 - (d) the Inspector had an underlying concern about the absence of consultation with the Trust, and any other relevant party, on the specific matter of the content and purpose of the draft conditions.
- 2.160 None of those concerns has been addressed; there is nothing to show that the Trust, or any other relevant party, has been consulted on the draft conditions; the Memorandum of Agreement does not mention the specific matter of the content and purpose of the draft conditions; no evidence has been produced to show that consultation has taken place; and the Trust has not made any further independent contact with the Inquiry since its original letter.
- 2.161 Moreover, the Memorandum of Agreement is unsatisfactory because: -
- (a) it is merely an agreement to agree;
 - (b) there is no requirement for the parties to enter into the '*principles*' set out in the schedule, only that the parties '*envisage*' that a final agreement will contain them (clause 2.2), and that they '*agree to negotiate with each other with a view to completing*' a final agreement;
 - (c) unlike a planning obligation, the agreement could not be enforced by the Council; it would not run with the land; and it does not provide for the maintenance of the church in perpetuity;
 - (d) there is no explanation of how the financial provisions have been calculated, nor evidence of what they would be able to achieve and over what period;
 - (e) Barwood would only be required to fund agreed improvement works;³⁰⁷ without agreement there would be no requirement to fund them; and the failure to obtain listed building consent and/or planning permission would curtail the works. Although Barwood suggests³⁰⁸ that condition 23 provides the basis for the enforcement of the objectives of the agreement it would do nothing more than preserve the status quo. The Memorandum of Agreement also relates to changes to the building to facilitate community use which is not envisaged by condition 23; and
 - (f) clause 5 provides nothing more than to maintain the status quo.
- 2.162 On this basis, despite the years of negotiation between Barwood, the Trust and the Diocese, the suggested '*benefits*' remain uncertain, insubstantial and unsecured.

Conclusion

- 2.163 In summary, the proposal would give rise to a major adverse effect on the setting, and thus the significance, of a grade II* listed church. The '*benefits*' claimed are unnecessary, uncertain, insubstantial, unsecured, and without adequate evidential foundation. On this basis English Heritage has firmly concluded that the harm would far outweigh the asserted benefits.

³⁰⁷ BL1.93: paragraph 4 of the Schedule

³⁰⁸ CD 6.28 (letter from Chilmark to AVDC dated 22 November 2013 - page 4)

(b) Fleet Marston Farmhouse

- 2.164 Fleet Marston farmhouse, to be retained within the development, is listed grade II. Of seventeenth century origin, the building has been altered and extended but its special interest lies in its timber frame, its plan form and its external appearance including vernacular building materials. The single storey range attached to the south-east forms part of the listed structure but other curtilage buildings include large modern agricultural and commercial buildings which detract from the farmhouse. The listed building does not have any special historical setting or historical connections with Saint Mary's church or the depopulated settlement.³⁰⁹
- 2.165 Overall, it is considered that the removal of modern intrusive buildings, accompanied by sensitive design of nearby buildings and ancillary elements would enhance the surroundings of the listed building.³¹⁰
- 2.166 The Statement of Common Ground records that the Council and English Heritage agree that the proposed development would not result in substantial harm to the farmhouse and its setting.³¹¹

The third main consideration: the sustainability of the proposed urban extension in terms of highways and transportation

- 2.167 The Fleet Marston proposal would result in an unacceptable outward linear expansion of Aylesbury; the site is physically separated from, and poorly related to, the current planned limits of the town by the railway line; and future residents would have to rely on a single constrained link for access to all forms of transport including pedestrians and cyclists.
- 2.168 Given that large numbers of people would live and work at Fleet Marston, it is extremely important that the development should be truly sustainable.³¹² However, there would be a material risk that the pattern of growth proposed would hamper the fullest possible use of public transport, walking and cycling.
- 2.169 This issue is the availability of only a single connection, along the A41, between Fleet Marston and Aylesbury and the constrained width of the railway bridge over the road which separates the proposed development from facilities in the town, those in Berryfields (including its secondary school) and also Aylesbury Vale Parkway railway station.³¹³
- 2.170 The issue is compounded by the restricted width of the railway bridge which would restrict provision for pedestrians and cyclists to a sub-standard shared path which would act as a disincentive to cyclists and pedestrians because: -
- (a) the A41 is a very busy urban road (approximately 17,000 vehicles per day with 1,545 vehicles Aylesbury-bound in the morning peak hour); and it would be inappropriate for cyclists to use the carriageway;

³⁰⁹ BL1.14 Appendix 13D paragraphs 3.13 – 3.15, 4.8 – 4.9

³¹⁰ BL1.14 Chapter 13: Table 13.7 (page 278)

³¹¹ CD 6.1A paragraph 6.30; BL1.35 paragraphs 9.113, 9.119

³¹² CD 4.1 paragraph 17 (Core Principle) & paragraph 34

³¹³ BL1.13 Figure 51 (page 61)

-
- (b) Department for Transport guidance explains that, with flows above 10,000 vehicles per day, it is inappropriate for cyclists to use vehicle lanes and that alternative provision should be made;³¹⁴
 - (c) the width of the road (unlikely to be wider than 3.29 metres in each direction)³¹⁵ would be insufficient to enable a car driving at 30mph to pass a cyclist; the minimum width required would be 4.3 metres;³¹⁶ with 5.05 metres needed by buses and heavy goods vehicles;
 - (d) an 'off-road' cycle facility would be essential and it would need to be attractive to cyclists otherwise some cyclists (in the morning peak the predicted flow of cyclists towards Aylesbury would be 26) would revert to the road and hold up following vehicles including public transport;
 - (e) it would not be possible to provide a segregated pedestrian and cycling facility under and immediately either side of the bridge; the level of pedestrian and cycle movements along a shared path would be likely to result in conflict between users especially in the morning peak (for example groups of children ambling to school and purposeful commuting cyclists);
 - (f) on the basis of 41.3% of movements being contained within the development (which might not be realistic) in the morning peak hour there would be 62 pedestrians and cyclists in-bound (generally commuters) and 80 pedestrians and cyclists travelling towards Aylesbury (commuters and school children); the equivalent in the evening peak hour would be 83 and 94 movements.³¹⁷ Thus, it would be highly likely that cyclists and pedestrians would encounter each other;
 - (g) the width of the proposed shared path would inevitably be below the minimum recommended standard; guidance on unsegregated pedestrian and cycle routes indicates a 'preferred minimum effective width' of 3.0 metres;
 - (h) the route would be bounded on one side by the wall of the bridge (requiring a buffer of 0.5 metres) and on the other by the raised kerb to the carriageway (requiring a further 0.2 metres) resulting in a total width of 3.7 metres; and the opposite side of the road carriageway would require a stand-off of 0.5 metres from the bridge;³¹⁸ and
 - (i) the available width under the bridge is 9.08 metres;³¹⁹ although the final width of any shared path would be determined through detailed design, it is likely that the resultant shared footpath and cycleway (for a stretch of 12.0 metres under the bridge and for 7.0 metres westwards and 10 metres eastwards of the bridge) would be no more than 2.0 metres and possibly less.

2.171 Overall, with the A41 as the only connecting route, and the likely conflict arising from the constrained link under the railway bridge, the proposal would conflict with published guidance:³²⁰

- (a) *'Safety: Not only must infrastructure be safe, but it should be perceived to be safe the potential for conflict between pedestrians and cyclists should be minimised';* and

³¹⁴ AV1.132 Table 1.3 (page 13)

³¹⁵ BL1.83B

³¹⁶ AV1.132 Table 2.3 (page 17)

³¹⁷ BL/CR/4.2 Appendix 2E

³¹⁸ CD 7.21 paragraphs 7.34 - 7.36 & Table 7.4 (page 43)

³¹⁹ BL1.183B

³²⁰ AV1.32 page 11

(b) *'Comfort: Infrastructure should meet design standards for width and cater for all types of user, including children and disabled people'*.

This shared route to and from Fleet Marston would not achieve those objectives.

2.172 Consequently, some pedestrians and cyclists would be likely to turn to less sustainable modes of transport; and the effect of cyclists using the road carriageway would be to delay public transport which in turn would affect the attractiveness of the public transport offer from the site. The proposed development would therefore not meet the objectives of sustainable development.

2.173 Furthermore, although Barwood relies on the lack of objection from the highway authority on highway grounds, the local planning authority considers that the wider sustainability credentials of the proposal, enabling the fullest possible use of public transport, cycling and walking, would be deficient.

The fourth main consideration: the effects of the HS2 proposals

2.174 It is common ground that it is relevant to consider the impact of HS2, and the resultant differences that it would make to the assessment of impacts of the Fleet Marston scheme. The issue is not considered in the Environmental Statement; and the extent to which it is considered in the landscape evidence is on the basis that HS2 could reduce the sensitivity of the receiving landscape, and the extent to which Fleet Marston could accommodate HS2.

2.175 The appellant's evidence contains no consideration of the cumulative landscape and visual impacts of the two developments. Such impacts are likely as the need for a 3.0 metres high noise mitigation barrier on top of the proposed HS2 embankment is only likely to arise as a consequence of the Fleet Marston development.³²¹

2.176 Moreover, there is no assessment of the landscape and visual effects of such a barrier and, when viewed from the south, it would represent a solid barrier through the countryside with the effect of abruptly curtailing the intended transition to the open land to the south and south-west.³²²

The fifth main consideration: conditions and obligations

Barwood's hybrid approach to planning obligations and planning conditions

2.177 Barwood's approach runs contrary to guidance; and despite an exchange of correspondence there remains a fundamental difference between the parties regarding the appropriateness of the use of conditions and obligations.

2.178 The guidance on the approach to conditions and obligations is set out in Circular 11/95: The use of conditions in planning permissions: -³²³

³²¹ BL1.75 (Photomontage); & AV/JB1.1R paragraphs 121 - 123

³²² BL1.23 paragraph 3.12

³²³ **NB: The circular was withdrawn following publication of the Planning Practice Guidance - see also CD 4.1 paragraph 203**

'It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Act. The Secretaries of State consider that in such cases the local planning authority should impose a condition rather than seek to deal with the matter by means of a planning obligation'; and 'Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.

- 2.179 Although the guidance sets out the circumstances where either conditions or obligations are to be used, it does not make provision for a mixture of conditions and obligations, as intended by Barwood, where the matter cannot be fully addressed through conditions. The result produces unnecessary complexity and confusion; a condition, or a series of conditions, attempting to address a matter normally covered by obligation, becomes more complex as a result; and those matters that cannot be addressed leads to an accompanying obligation in any event.³²⁴
- 2.180 Such issues arise in relation to the provision of green infrastructure; the community facility; the health centre; and affordable housing. Furthermore the drafting of the planning obligation shows a number of inconsistencies when set alongside the proposed conditions; and whilst some of those have been addressed, others remain.
- 2.181 Whilst Barwood has sought to cite a similar approach adopted by the Consortium, there is, in contrast, only a small and very clear overlap and cross reference on the Hampden Field's phasing plan. The appeal decision examples produced by Barwood do not reflect the scale of the proposed development proposed and the inherent complexities in mitigating its impacts.
- 2.182 So far as the Council is concerned, it is extremely important that the mechanisms to control a development, which is likely to take 15 years or more to build out, are clear and readily understandable by both the public and a variety of future developers.
- 2.183 Furthermore, whilst the authority accepts that it is reasonable for identified phases of development to be addressed individually, where they are separate and self-sufficient, the elements of larger strategic provision to serve the entire development (for example the community building and health centre) require specific triggers as part of any outline planning permission to set the parameters necessary to ensure delivery at the appropriate time as part of the wider phasing plan.
- 2.184 In this regard (draft conditions 3 – 6) the intention to deliver infrastructure at a particular time, related to particular phase, ignores what else may be taking place in other phases and where the level of housing may have already given rise to the need for that strategic infrastructure.

³²⁴ CD 6.28 (AVDC letters dated 12 September 2013; 30 October 2013; & 15 November 2013)

Community facilities

2.185 The concerns are:

- (a) the interrelationship of condition 31 (which itself is controlled by conditions 3, 4 and 5) and schedule 3 of the planning obligation and Annex 1 together with the definitions of '*practical completion*' and '*management body*' in relation to the community facility are confusing and complex;
- (b) there remains a conflict between condition 31 and schedule 3 as to the timing of a submission of details of the community facility;
- (c) no specification as to what the building should contain is provided in the planning obligation;
- (d) condition 31 refers to '*up to*' 1,300 m² and is imprecise;
- (e) there is no requirement in condition 31, or anywhere else, for the facility to be managed in accordance with the approved arrangements or to be made available for use; and
- (f) through the planning obligation a practical completion certificate is to be issued by the developer's architect; but this is a matter which should be certified by the local planning authority (or at the very least by an independent professional); and there is no trigger for when that might occur.

2.186 The above are matters of significance as the developer would only be liable to maintain and manage the community building from the date of practical completion.

Health centre and the railway station

2.187 Leaving aside the hybrid approach (conditions 6 and 44 and the planning obligation: schedule 4) in relation to the health centre, the Council remains concerned about: -

- (a) the inadequacy of the twelve-month period intended for the marketing of the health centre; it should be at least twenty-four months from the commencement of the phase in which it would be located;
- (b) the same twelve-month period to market the railway station site would also be insufficient as the obligation provides that if no operator makes an offer within that time the obligation to provide the station site would cease. That would be contrary to Barwood's earlier expressed intention to safeguard the site and the evidence given that it remained a long term aspiration to secure a railway station; and
- (c) the railway station site should be safeguarded during the development of Fleet Marston as a whole with a requirement for it to be marketed from time to time to ensure the opportunity to develop it as a station was not lost.

Bond/parent company guarantee

2.188 The following points apply-

- (a) the planning obligation (schedule 7) does not specify the amount to be provided as the bond (or parent company guarantee) for the community building and the green infrastructure; nor is there any mechanism to determine that amount;
- (b) the bond (or parent company guarantee) would cease on practical completion of the facilities and/or on transfer to a Management Body which would undermine its purpose in ensuring provision of these facilities in default and also their management and maintenance;

- (c) in the absence of a secure financial mechanism, and a failure of the Management Company in exercising its duties or having sufficient funds, the cost of providing those services would fall to the public purse; and
- (d) in respect of the health centre, the provision of a bond (or parent company guarantee) would be conditional on a transfer or lease being entered into.

Local retail and commercial centres and employment land

2.189 The points at issue are: -

- (a) the Council considers that these facilities should be triggered by a level of occupation relating to the whole development; and
- (b) the employment land should be made available at an early stage to ensure that internal travel patterns are maximised in accordance with Barwood's anticipation of 41.3% of trips being contained within Fleet Marston.

Waste Management Plan and Ecology Management Plan

2.190 Whilst condition 36 makes provision for the maintenance and management of the waste facilities and condition 17 requires an Ecological Management Plan, there is no provision for a bond (or parent company guarantee) to enable the Council to take responsibility in default.

Off-site sport and leisure contributions

2.191 There is no provision for a financial contribution towards off-site sport and leisure facilities. In this regard, Policy GP.90 of the Aylesbury Vale District Local Plan indicates that in considering applications for residential development the Council will have regard to the need for the provision of indoor sports facilities arising from the proposal.

2.192 The Council's Sport and Leisure Facilities Supplementary Planning Guidance states: - *'The level of sport and leisure facility provision will be directly related in scale and kind to the need generated by the proposed development and local circumstances which may include making up local deficiencies'*.

2.193 A companion Ready Reckoner document sets out the cost calculations to be used in assessing the required contribution towards new or improved facilities based on the likely population of the proposed development.

2.194 The Council considers that, notwithstanding the facilities to be provided on site, the proposed development would create demands on higher level town wide facilities, such as swimming pools and entertainment complexes. On this basis the following contributions were sought: -³²⁵

- (a) £830,720 – Aqua Vale (swimming and leisure complex) requires new toilets, spectator seating and electric scoreboard following recent refurbishment;
- (b) £183,040 – Meadowcroft all-weather pitch will require resurfacing in about five years time (likely cost approximately £300,000);
- (c) £1,795,200 – entertainment/art facilities in the town centre or on the site (video entertainment mapping, public art and increased theatre space at the Limelight Theatre); and
- (d) £1,330,560 – sports hall provision at Stoke Mandeville Stadium (new 8 court hall and changing rooms).

³²⁵ CD 6.28 (AVDC letter dated 15 November 2013)

Affordable housing

2.195 The Council has the following concerns: -

- (a) the requirement that no more than 75% of the market housing would be occupied before the affordable housing is completed is too high;
- (b) a viability requirement of all phases should be required, including phase 1, to ensure that the initial provision of affordable housing, at no more than 17%, does not perpetuate if economic conditions improve; and
- (c) there is no provision to 'pepper pot' affordable housing throughout the residential development.

The new proposed highway condition

2.196 Barwood's draft condition 41 would allow up to 10% of the proposed dwellings to be occupied before specified highway works had been undertaken along the A41 Priority Public Transport Corridor.

The Council considers this to be unacceptable because: -

- (a) the analysis of the impacts of the development considered only the 'Do Minimum' (No development and no improvements) position against the 'Do Something' scenario which included full development and the full mitigation package. No interim or phased scenarios were considered; and there is no evidence to show that 10% of the development could be implemented without having a severe impact on the operation of the existing highway network;
- (b) the Transport Assessment Addendum only considered the '2020 base and 2020 base + development'; it did not consider an interim; and the assessment undertaken on behalf of the County Council of the impacts of the development on the transport network was on the basis of the new infrastructure being in place;³²⁶ and
- (c) there is nothing to show that the highway authority has accepted that 10% of the dwellings could be built without mitigation.

2.197 On this basis, the delivery programme for the off-site works should be agreed prior to commencement of development with provision for all works to be carried out in accordance with that agreed programme (the Council's alternative draft condition 41 refers).

Details on the planning obligation

2.198 Due to the late production of the draft obligation there was little opportunity to comment on its contents and no opportunity to do so within the course of evidence. At the time of preparing closing submissions the following matters remained outstanding: -

- (a) not all the Land Registry titles comprised within the land to be bound by the undertaking have been recited; two are missing, namely BM308049 (owned solely by Anne Hunter and mortgaged to Clydesdale Bank PLC) and BM308025 (owned jointly by Anne and John Hunter and also mortgaged to Clydesdale Bank PLC);
- (b) the mortgagee is not a party to the undertaking;

³²⁶ BL1.67

- (c) as the land in the Hunters' ownership is in part owned by Anne Hunter solely, she should be a separate party in her own right and Plan 1 should clearly identify the separate ownerships as required by section 106(9)(b);
- (d) recital 6 should have the date of the promotion agreement inserted;
- (e) definition of 'Owners' still includes '*and the Third Owner*'; in this version there is no Third Owner; although Anne Hunter should be;
- (f) there is no definition of '*The Obligations*' although this is referred to in the definition of '*the Secured Amount*';
- (g) clause 4.8.1 absolves house purchasers from complying with occupation restrictions;
- (h) clause 5.2 should include covenants and obligations in the main part of the Deed itself and not just the schedules;
- (i) clause 5.3.1 should make provision for the Council to ascertain how many of the dwellings occupied are affordable dwellings to monitor compliance with the affordable housing triggers;
- (j) clause 9 seeks to automatically modify the terms of the Deed if the Community Infrastructure Levy causes obligations to be duplicated or overlap; it is considered this is not possible;
- (k) clause 10 (the monitoring charge) should be consistent with that for Land East of Aylesbury and Hampden Fields i.e. an initial sum of £5,000 and annual payments of £5,000;
- (l) schedule 1, paragraph 6, (affordable housing) releases a mortgagee in possession of an individual affordable dwelling from the affordable obligations; and it does not require the recycling of any grant that was given to provide further affordable housing in the district; and
- (m) schedule 2, paragraph 1, (green infrastructure) contains no requirement to provide the green infrastructure to any given standards.

2.199 In light of the above, the Council considers Barwood's proposed conditions and the draft planning obligation to be wholly unsatisfactory, thereby weighing in the balance against a grant of permission.

Overall planning balance

2.200 The overall planning balance is clear: - the adverse impacts would be very substantial and irreversible; and they would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in the National Planning Policy Framework as a whole.

Harm

2.201 The adverse effects of the proposed development, in summary, would be: -

- (a) significant harm as a result of prematurity;
- (b) significant harm in terms of landscape and visual impact;
- (c) significant harm to the setting and significance of a grade II* listed building;
- (d) significant harm through the creation of an unsustainable form of development, poorly related to the town of Aylesbury and suffering from constrained and unattractive links for cyclists and pedestrians; and
- (e) significant inadequacies in the proposed conditions and planning obligation.

-
- 2.202 Each of these factors weigh very heavily against the grant of planning permission; and, taken together, amount to a very substantial degree of harm to interests of acknowledged importance.

Benefits

- 2.203 It is acknowledged that the proposed development would produce a number of benefits, some of them significant, including the Primary Public Transport Corridor: -³²⁷
- (a) **Contribution to housing land supply:** The Council is able to demonstrate that it has in excess of a five year supply; and there is no pressing need for these additional houses; and little weight should be attached to the benefits associated with boosting the supply of housing.
 - (b) **Affordable housing:** although there is a continuing need for more affordable housing, the provision of no more than 17% in the first phase, with subsequent phases subject to viability appraisal, would be below the extant policy target range of 20% to 30%;³²⁸ and well below the emerging policy target of 35%;³²⁹ thus reducing the level of benefit.
 - (c) **Economy and job creation:** The creation of opportunities for employment, and the balance of employment and housing would be a significant benefit; however, there have been past failures in Aylesbury in securing employment land; and Barwood has refused to include any mechanism to link the provision of houses to jobs.
 - (d) **Green infrastructure provision:** The appellant's claims as to the significance of its proposed green infrastructure provision needs to be approached with care,³³⁰ in that the area to the north of the railway line has been included as part of that provision, although it would remain in agricultural use and it would not be accessible to the public.³³¹
- 2.204 With regard to the above, the Aylesbury Vale Green Infrastructure Strategy 2011-2026 sets the context: -³³²
- '..... the Buckinghamshire GI Strategy outlines that 69% of dwellings in Aylesbury Vale meet none of Natural England's Accessible Natural Greenspace Standards World Class Places (Community and Local Government 2009) states that: 'Parks and green open spaces are both a highly valued and highly used feature of the built environment. Three out of four people visit a greenspace at least once a month Time spent in contact with nature has been shown to help mental well-being It also adds greatly to people's enjoyment of a place and the way they behave and interact with it'.*
- 2.205 In setting the strategic framework for a green infrastructure network in Aylesbury Vale, the document states that it has been informed by best practice, particularly the Natural England Accessible Natural Greenspace Standard. This is correctly said to be: -

³²⁷ AV/PJ/5.1 pages 77 - 79

³²⁸ CD 3.3 Policy GP.2

³²⁹ AV1.61 Policy VS9

³³⁰ AV/JB/1.1 pages 67 - 69

³³¹ BL1.23 paragraphs 3.5, 3.16

³³² AV1.18 (with particular reference to pages 4, 6, 12, 15)

'..... a national benchmark forming part of government guidance on strategic greenspace provision and having the best fit to GI planning and assessment. The standard emphasizes the importance of communities in towns and cities having easy access to different sizes of natural and semi-natural greenspaces close to where they live The Accessible Natural Greenspace Standards model states:

- no person should live more than 300m from their nearest area of natural greenspace of at least 2ha in size, and that there should be at least 2ha of accessible natural greenspace per 1000 population;*
- there should be at least one accessible 20ha site within 2km of people's homes; and*
- there should be one accessible 100ha site within 5km of people's homes'*

2.206 The Green Infrastructure Strategy explains that Aylesbury and its environs are covered within Priority Action Area 2 and that the need to provide high quality and multi-functional green infrastructure for existing and future communities is of particular importance because of the potential of significant housing growth. The strategic issues identified for this area include the following: -

- 'In accordance to Accessible Natural Greenspace Standards assessments Aylesbury does not meet the minimum standard of provision for accessible greenspace. The lack of larger areas of accessible greenspace around Aylesbury as a whole is particularly notable and the town has a relatively limited number of urban greenspaces;*
- Aylesbury has a relative lack of medium to large accessible greenspaces in proximity to the town and the main residential areas; and*
- The under provision will be exacerbated by urban growth unless new accessible GI is provided, links to existing sites are improved and current suitable sites receive investment to enable them to withstand increased use where appropriate'*

2.207 The strategic aims set out in the document include addressing the green infrastructure deficit in Aylesbury Vale and ensuring that *'high quality GI is delivered which is accessible'*

2.208 Against this background of accessibility being the key to the delivery of green infrastructure that meets the relevant standards, the provision of some 34 hectares to the north of the railway line ought not to be regarded as a significant factor in the balance.³³³

Conclusions

2.209 The proposed development does not accord with the development plan; it would give rise to significant harm, in terms of landscape and heritage; and it would be inherently unsustainable. The adverse impacts of granting planning permission on these grounds alone, with prematurity simply adding to an already compelling case, would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework as a whole.

³³³ AV/JB/1.1 paragraphs 258 - 262

HAMPDEN FIELDS

Preliminary matter

- 2.210 During the course of the Consortium's evidence to the Inquiry, two potential changes to the scheme were offered and are the subject of additional planning conditions proposed by the appellant.³³⁴
- 2.211 The first concerns the north-western part of the site and the possible omission of the dwellings proposed on the southern side of the road leading into the development from Wendover Road ('Parcel A').³³⁵ Whilst that is to be welcomed, it would not resolve the Council's concerns about the visual impact of driving a new road through a small gap between Aylesbury and Stoke Mandeville with its associated impacts on settlement identity and coalescence.
- 2.212 The second relates to the height parameters of the buildings in 'Parcel A' and those to the north of the proposed green infrastructure (sports pitches, pavilion and community allotments/orchards) served from Marroway: -
- (a) the photomontages for 'Parcel A' show dwellings on the southern side of the spine road at 9.5 metres in height and 8.5 metres behind them, whereas they are shown as 11.5 metres and 10.0 metres on the Maximum Building Heights Parameters Plan;³³⁶
 - (b) the photomontages for the area to the north of Marroway do not accurately portray the impact of the proposed development in that: - the heights of the closest residential buildings (8.5 metres) are shown to be lower than the specified parameter (10.0 metres); similarly, the sports pavilion (6.0 metres and 9.0 metres respectively); and the angle of view from the footpath near Weston Turville (Viewpoint C) excludes any of the taller buildings which would lie behind;³³⁷
 - (c) although the Consortium's proffered condition is made with the qualification that the appellant does not consider it to be necessary, the Council considers that it should be imposed (if the appeal is allowed) because: -
 - (i) the parameters plans provide the basis for the consideration of the outline planning application and the acceptability of the proposed buildings up to the maximum heights shown; the Council could not seek lower building heights at reserved matters stage;
 - (ii) if the Consortium wishes to justify the acceptability of the originally submitted parameters plans, its landscape and visual impact evidence has to address that; but it does not;
 - (iii) the Consortium's landscape witness has recognised '*the landscape sensitivities of these gaps*';³³⁸ as a result, evidence was presented with buildings of reduced height to appropriately reflect those sensitivities; the change had been agreed by the Consortium; no evidence was given in defence of the acceptability of the original parameters, or that the change was unnecessary; and

³³⁴ Annex E(i) to this Report: Draft conditions A1 and A2

³³⁵ HF1.57B

³³⁶ AV1.140; HF1.9 Figure 4.13 (page 95); HF/4/2 Appendices 12 & 13

³³⁷ AV1.140

³³⁸ HF/4/2 Appendix 13

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- (iv) it follows that the imposition of a condition, tying the development approved to a revised parameters plan, would be necessary to ensure that any approval reflects the evidence presented.

The first main consideration: the landscape and visual effects

Introduction

- 2.213 The proposed development of Hampden Fields would give rise to significant adverse landscape and visual impacts; it is a large open and generally flat site, and unlike the isolation of Fleet Marston from Aylesbury, it presents different difficulties,³³⁹ arising from its intimate proximity with neighbouring settlements.
- 2.214 The site currently constitutes a valuable (and evidently highly valued) area of open countryside which is readily accessible from adjacent settlements; it provides an important amenity for nearby residents and plays a crucial role in maintaining the separate identities of Aylesbury, Stoke Mandeville and Weston Turville.

Policy context and approach

- 2.215 One of the twelve core planning principles set out in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside.³⁴⁰
- 2.216 However, it is hard to see how the proposed development could properly be said to satisfy that principle, given its nature and location; insofar as the site currently comprises countryside, an urban development would necessarily not conserve that countryside; countryside would inevitably be lost;³⁴¹ and, whatever the merits of the proposed design, it would not be possible to conserve the countryside and simultaneously to lose it.
- 2.217 The National Planning Policy Framework also provides that *'the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes'*³⁴² The concept of a *'valued landscape'* is not defined; but, assistance is provided by the *Guidelines for Landscape and Visual Impact Assessment*: -³⁴³
- '..... it is necessary to identify the landscape components that are valued by the community or society as a whole, why and how they are valued and, where possible, the people to whom they are valuable – that is 'what matters and why'*
- Landscapes may also have value because of the function they perform regardless of the character of the landscape. Thus urban fringe landscapes may be of poor condition with no special interest, but may nevertheless be highly valued locally because they are accessible to people and may represent a scarce landscape resource in that particular area'.*
- 2.218 It is clear that this is a landscape which is highly valued locally, and that a great many local people use the various public footpaths which cross it to enjoy the amenity it provides as accessible open countryside.

³³⁹ AV1.141 paragraphs 55, 59 - 62

³⁴⁰ CD 4.1 page 5 (5th bullet); HF/4/1 Section 4.5

³⁴¹ HF/4/1 paragraph 5.2.19

³⁴² CD 4.1 paragraph 109

³⁴³ CD 7.13 paragraphs 2.23, 2.26

Existing site characteristics

2.219 The appeal site is a large area of open countryside between settlements; and it lacks any significant urban or urbanising features within it. Although the Consortium has sought to characterise it as 'contained' and having 'enclosure provided by built development',³⁴⁴ with the overall effect of it being 'inappropriate to describe the appeal site as 'open countryside'',³⁴⁵ it subsequently acknowledged that: - 'There will be loss of open countryside although over 47% of the Appeal Site would be retained as open space, this will inevitably have a different character to the existing countryside'.³⁴⁶

2.220 The following agreed site characteristics should be noted: -

- (a) the site comprises open countryside;
- (b) in considering the influence of the urban elements bordering some parts of the site it is necessary to have in mind the very significant size of the site and the limited opportunity to have views from one side of the site to the other;
- (c) from the north-east along the A41: -
 - (i) travelling out of Aylesbury (once past the hotel at the junction of Aston Clinton Road and New Road) a few separate dwellings give way to the open countryside of the site;
 - (ii) although there is a strand of development along the northern side of Aston Clinton Road (opposite the appeal site) Hampden Fields is separated from the road by a substantial hedge;
 - (iii) the combination of screening and the scale of the fields within the appeal site limits the urbanising influences of the established development on the character of the appeal site itself;
 - (iv) from the limited vantages into the site the prospect is one of open countryside for a long distance;
 - (v) there is no obvious boundary in that direction to mark the edge of any 'urbanised' area of countryside; and
 - (vi) even New Road (which divides the site) is some distance away and there is limited ability to appreciate what lies on the southern or western edges of the site;
- (d) from the north-west (along Bedgrove Park): -
 - (i) the site, when seen from the edge of Bedgrove Park, has an essentially open character; and
 - (ii) taking the public footpath from the park, in the direction of Weston Turville, there is (despite some views towards the development at Hampden Hall and other properties along Wendover Road) no sense of enclosure by urban elements to the south or east;
- (e) from New Road (travelling south), once beyond the hotel and the houses (or from the opposite direction once beyond Weston Turville) the character is simply that of a rural road;

³⁴⁴ HF/4/1 paragraph 4.5.2

³⁴⁵ HF/4/1 paragraph 5.2.20

³⁴⁶ HF/4/4 paragraph R.2.1.9

- (f) from the rear of the dwellings along Wendover Road, the views are across open fields; although some development along Aston Clinton Road is visible, there is no sense of the site being enclosed or contained by urban features; and
- (g) on the footpaths within the site the intermittent perception of houses on some edges of the site is entirely characteristic of a footpath in the countryside on the edge of a settlement.

2.221 There is nothing else to suggest that the site is urban fringe.

The landscape and visual effects of the proposed development

- 2.222 There is substantial common ground on the Hampden Fields Landscape and Visual Impact Assessment methodology and significant agreement on the magnitude and significance of the impacts identified.
- 2.223 The assessment reaches the conclusion that the proposed development would give rise to significant adverse landscape and visual impacts, and that the impact on the Southern Vale Landscape Character Area would be *'High/Medium adverse'*. Even on the appellant's own assessment, 18 of the 23 representative viewpoints would suffer significant adverse visual impacts.
- 2.224 There is, however, one aspect which merits comment in relation to the effectiveness and utility of retaining existing field boundaries amidst a large amount of new urban housing. In this regard, built development would sit between the viewer and the hedgerow with its legibility as a landscape feature necessarily diminished or lost.³⁴⁷
- 2.225 Thus little weight should be given to the retention of hedgerows as a means of claiming consistency with the relevant guideline relating to the Landscape Character Area which states: - *'Restore and enhance the original field pattern, where practical, including support for initiatives for management and replanting of hedgerows and infilling of gaps'*.³⁴⁸ The point has been accepted in other appeal decisions.³⁴⁹
- 2.226 In terms of visual effects, the Council takes issue with the conclusion reached at four residential receptor viewpoints (7: Bedgrove; 14: Aston Clinton Road; 15: Weston Road (between Weston Turville and Aston Clinton); and 19: Upper Icknield Way).³⁵⁰ In each case the level of significance has been underestimated at *'medium adverse'*; based on a magnitude of impact as *'slight adverse'*: - *'where the proposed development would cause a barely perceptible deterioration in the existing view'*.³⁵¹
- 2.227 However, at all times of day, and particularly at night, these receptors would experience *'a noticeable deterioration in the existing view'* (*'moderate adverse'*) leading to a significance of *'high/medium adverse'*.

³⁴⁷ AV1.122 paragraphs 12 - 13

³⁴⁸ AV/JB/1.2 paragraph 86

³⁴⁹ CD 5.1 paragraph 343 (Inspector's Report)

³⁵⁰ HF1.4 Chapter 7 Figure 7.7; HF1.5 Appendix 7.13; AVJB/1/2 paragraphs 256, 264 - 266

³⁵¹ HF1.4 Chapter 7 table 7.6 (page 58)

2.228 In addition, there are four other viewpoints where material differences exist between the parties.

Viewpoints 6 and 8 (recreational walkers using footpaths within the site)

2.229 The following matters are relevant to viewpoint 6, the public footpath running south-eastwards from Bedgrove Park into the site, and viewpoint 8, the public footpath across the site, linking Weston Turville with Aston Clinton Road (adjacent to West End Ditch): -³⁵²

- (a) although the assessment for viewpoint 6 records '*glimpsed view of existing housing seen beyond hedgerow (photograph A)*';³⁵³ both footpaths currently provide a countryside experience for recreational walkers;
- (b) many of those who have chosen to walk on these footpaths are likely to have done so in order to enjoy the experience of being in the countryside;
- (c) currently, users of the footpaths can enjoy being in open fields with views of the Chilterns Area of Outstanding Natural Beauty;
- (d) once the development has taken place, viewpoint 6 would be located within an equipped children's play area with planting and housing between the user and the Area of Outstanding Natural Beauty beyond;
- (e) if the countryside character of the footpath is of value to these recreational walkers, the consequence would be experienced as an adverse effect;
- (f) similarly, for viewpoint 8, the user would, as a result of the development, have an outlook across a semi-natural greenspace and surface water attenuation area to two-storey housing (200 metres away) running across the foreground of the view. Again, the current experience of being in the countryside would be lost; and
- (g) for these changes, on the appellant's assessment, to constitute a '*noticeable improvement in the existing view*' for a recreational walker with a '*high/medium beneficial significance*';³⁵⁴ that person would need to have a preference for being in a managed urban greenspace with housing beyond, as opposed to a footpath through the countryside.

Viewpoint 18 (pedestrians and occupants of mobile homes on Marroway)

2.230 Viewpoint 18 is within the gap between Stoke Mandeville and Weston Turville where the new road leaving Marroway into the site is proposed. The position is as follows: -

- (a) the existing hedgerows along Marroway provide a valuable function: - '*The roadside hedgerows (Photograph F, Appendix 6) within this gap impart a sense of entering the countryside for road users once past the easternmost house in Stoke Mandeville*';³⁵⁵ and similarly applies to pedestrians and residential receptors in this location;
- (b) the question to be determined is *whether 'the predominantly rural character of Marroway would be conserved in spite of the proposed removal of a section of existing roadside hedgerow and two associated mature Black Poplar trees and the proposed introduction of a new junction with associated lighting'*.³⁵⁶ However: -

³⁵² HF1.4 Chapter 7 Figure 7.7

³⁵³ HF1.4 Chapter 7 Table 7.13 (page 78)

³⁵⁴ HF1.4 Chapter 7 Table 7.14 (page 110)

³⁵⁵ HF/4/1 paragraph 4.6.6; HF/4/2

³⁵⁶ HF/4/1 paragraph 4.6.15

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- (i) there is no further written assessment or photomontage to illustrate the proposed works;
 - (ii) the dimensions of the proposed new junction, its physical characteristics, the type and extent of lighting or the likely signage requirements have not been considered;
 - (iii) it was subsequently confirmed that approximately 100 metres of the existing hedgerow would have to be removed from this rural gap which extends for about 375 metres;
 - (iv) the width of the junction would be approximately 35 metres at this point; with lighting columns (10 metres high) and signage;
 - (v) although it was subsequently claimed that lighting would not be needed – albeit it was assumed for the purposes of the Environmental Impact Assessment – there has been no such agreement and such a decision could only follow a safety audit; and the assessment of impact must reflect the *'worst case'*; and
 - (vi) the Landscape and Visual Impact Assessment provided no description of the junction itself, and simply said: - *'The proposed southern access road would be seen in the context of the retained section of hedgerow'*; ³⁵⁷ and
- (c) overall, given the removal of the hedgerow and trees; the construction of a substantial new junction with associated street furniture; the sensitive location in which it is proposed; and the likely significant traffic flow, it is not credible for the Landscape and Visual Impact Assessment to record such change as being a *'barely perceptible deterioration in the existing view'*. ³⁵⁸ At the very least, it should be *'a noticeable deterioration in the existing view'* for those who live opposite, or walk between Stoke Mandeville and Weston Turville; and, more likely, *'a significant deterioration in the existing view'*. It ought therefore more properly to be categorised as either *'high adverse significance'* or, at least, *'high/medium adverse significance'*.

Viewpoint 20 (recreational walkers at Coombe Hill)

2.231 The position is as follows:

- (a) the wide, panoramic view across the surrounding countryside from the Area of Outstanding Natural Beauty at Coombe Hill is one of great importance, and it is spectacular;
- (b) the view is expansive, long distance and strongly rural in nature; although the proposed development would not undermine those qualities it would be wrong to underplay the significance of the impact on this panoramic view, given the very significant area of land that is visible from the viewpoint; ³⁵⁹
- (c) if valuable wide panoramic views are to be protected, it is vital that their value is not eroded by development on a piecemeal basis; and it would be hard to imagine any other individual scheme involving the development of a larger area of land within the view;
- (d) the conclusion, in the Landscape and Visual Impact Assessment, that the change would be *'barely perceptible'* ³⁶⁰ is not consistent with other elements

³⁵⁷ HF1.5 Appendix 7.13, viewpoint 18

³⁵⁸ HF1.4 Table 7.6 definition of *'slight'* effect (page 58)

³⁵⁹ AV/JB/1.2R paragraph 28

³⁶⁰ HF1.4 Chapter 7 Figure 7.7 (page 110); & Table 7.6 (page 58)

of the appellant's evidence: - *'prominent components of existing views include large villages'* (including Stoke Mandeville and Weston Turville);³⁶¹ the built-up areas of the two proposed new neighbourhoods would be of similar scale to these existing *'prominent components'* in the view; and

- (e) *'Dominant components'* of the outward view from Coombe Hill also include: *'..... the extensive area of predominantly large-scale, open, arable fields in the vale'*;³⁶² building on some of those arable fields, as proposed, would give rise to a *'noticeable effect'* in these views, resulting in a *'moderate adverse'* magnitude of impact on a *'high sensitivity'* receptor, and an impact of *'high/medium adverse'* significance.

Views from private homes

- 2.232 Around the edge of this very large site a significant number of residential properties enjoy attractive views over the open countryside within the site. The cumulative effect of the proposed development on these valued private views should be taken into account.³⁶³

The second main consideration: coalescence and settlement identity

Policy context

- 2.233 It is common ground that Aylesbury Vale District Local Plan Policy RA.2 is relevant, up-to-date and applicable to the proposal; and it carries full weight.³⁶⁴ The policy provides: -³⁶⁵

'Other than for specific proposals and land allocations in the Local Plan, new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements.'

'In considering applications for building in Rural Areas the Council will have regard to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements.'

- 2.234 No issue is taken with the desirability or appropriateness of the objectives which underlie the policy;³⁶⁶ hence, in seeking to preserve the separate identities of Aylesbury, Weston Turville and Stoke Mandeville the following questions are relevant: -
- (a) would the proposal compromise the open character of the countryside between settlements? If so, the development should be resisted;
 - (b) are the gaps between the settlements already small? If they are, added importance attaches to resisting further erosion; and
 - (c) if it is concluded that the built-up areas of the relevant settlements are already linked, yet they retain separate characters or identities, would the development consolidate that linkage and threaten what remains of separate character or identity? If so, the proposal should be resisted.

³⁶¹ HF/4/1 paragraph 4.5.16: - Although the witness initially categorised both Stoke Mandeville and Weston Turville as large villages, he subsequently sought to withdraw the latter

³⁶² HF/4/1 paragraph 4.5.16

³⁶³ AV1.120 paragraphs 464 - 465 (Inspector's Report); HF1.9 Figure 2.4 (page 17)

³⁶⁴ HF/2/1 paragraph 2.6

³⁶⁵ CD 3.3 page 173

³⁶⁶ CD 3.3 paragraphs 10.6 - 10.7

- 2.235 Aylesbury, Stoke Mandeville and Weston Turville each has separate characters and identities; and that owes, in part, to their remaining physical separation, marked in each case by the retention of areas of intervening agricultural land.

The existing situation

Marroway (Stoke Mandeville - Weston Turville)

- 2.236 The built edge of Stoke Mandeville adjoins the western boundary of the appeal site; beyond this point, Marroway has the character and appearance of a rural lane; and the edge of Weston Turville is clearly visible. However, in the gap between the two settlements (approximately 375 metres),³⁶⁷ the land on both sides of Marroway is countryside; and not part of either settlement. The built-up area of Aylesbury is not visible.

Wendover Road: A413 (Aylesbury - Stoke Mandeville)

- 2.237 There is an existing gap between the settlements with agricultural fields on both sides of the road; and a rural land use not associated with either Aylesbury or Stoke Mandeville. A rural hedge runs along both sides of the road; there are open countryside views beyond to the west; and a perception of countryside to the east (views are limited due to the height of the hedge).
- 2.238 The clear sense of leaving Aylesbury is emphasised by the 'Stoke Mandeville' road sign. The gap, on the eastern side of the road, between the two settlements is approximately 130 metres.

Bedgrove Park (Aylesbury - Weston Turville - Stoke Mandeville)

- 2.239 Bedgrove Park is properly identified as a 'town park',³⁶⁸ and it can clearly be distinguished from the countryside.³⁶⁹ Its character is also reflected in the evidence base for the Core Strategy which indicated: -

'..... Bedgrove Park around the urban edge to the north, and the manicured landscape at Weston Turville Golf Course to the south, define the urban edge and provide visual contrast with the more central farmed landscape'.³⁷⁰

- 2.240 To the south-east of the park agricultural fields and countryside provide a clear transition to land of a different use, appearance and character.

The development concept

- 2.241 Hampden Fields was initially promoted as an urban extension to Aylesbury: - *'..... the site will form a sustainable mixed use urban extension to Aylesbury forming an urban extension to the town';³⁷¹* and the thrust of the project was as a garden suburb of Aylesbury: -

(a) the development would comprise of two neighbourhoods;

³⁶⁷ HF/5/4 Appendix R.4

³⁶⁸ HF1.9 page 18

³⁶⁹ HF1.9 Figure 2.2 (page 16)

³⁷⁰ AV1.36 paragraph 3.10.1

³⁷¹ HF1.9 pages 3, 16

- (b) the neighbourhoods would be separated by a shared green space (a north-south '*spine*') comprising a mixture of semi-natural greenspace and shared community facilities;
- (c) the neighbourhoods, albeit relatively self-contained, would form part of a coherent and identifiable garden suburb of Aylesbury, sharing the same sports facilities and green spaces;
- (d) the new community would have one local centre acting as its '*heart*'; and
- (e) the shared green spaces and facilities between the two neighbourhoods would link them '*inextricably together*'.³⁷²

The effects of the proposed development

Linking Aylesbury and Stoke Mandeville

- 2.242 In evidence (and for the first time) the proposal was described as '*forming an urban extension to Aylesbury and Stoke Mandeville the proposals effectively extend Stoke Mandeville westwards [sic] to integrate with the wider scheme'*³⁷³ That contrasts with the local character analysis, which informed the scheme, and which made no mention of Stoke Mandeville;³⁷⁴ and, thus, failed to give adequate consideration to the issue of settlement identity in relation to the new development. However, it was indicated that the residents of the western neighbourhood would regard themselves as being in Stoke Mandeville and those in the eastern neighbourhood in Aylesbury.
- 2.243 Given the design ethos of a single suburb, with its two neighbourhoods sharing facilities and having an inextricable link, Stoke Mandeville and Aylesbury would no longer comprise clearly distinct separate settlements in that they would be linked into a larger whole. That is reflected in the description of the effect on the Aylesbury - Weston Turville gap as: - '*there would be a sense that the Aylesbury urban area is located closer to the village than at present'*³⁷⁵
- 2.244 Moving on to the issue of understanding the nature and character of the shared open space and recreational facilities that are proposed, the initial position was that this land would '*inevitably have a different character to the existing countryside'*³⁷⁶ and that would be correct as its use and function, appearance, and its landscape and visual context would be fundamentally changed. No-one experiencing these shared spaces could be under any illusion that they were in the countryside; these would be urban greenspaces, entirely characteristic of a garden suburb.
- 2.245 However, it was subsequently claimed that all of these shared spaces (including the illuminated car park, sports pavilion and hard surfaced sports courts) would properly be classified as countryside, and would not be perceived as forming part of a settlement. That proposition lacks credibility, and it fails to grapple with the combination of functional and visual characteristics that distinguish the countryside from the town.

³⁷² HF1.9 page 81 (1st bullet point)

³⁷³ HF/5/1 paragraphs 2.25, 2.88: HF/5/2 Appendix 3 (Drawing Number 104)
NB: '*westwards*' should read '*eastwards*'

³⁷⁴ HF1.9 pages 47 - 54

³⁷⁵ HF/4/4 paragraph R5.1.1

³⁷⁶ HF/4/4 paragraph R2.1.19

- 2.246 It is self-evident that as part of the built-up area the sports facilities at the southern edge of the western neighbourhood would form part of the new garden suburb with the resultant effect of linking Aylesbury, Stoke Mandeville and Weston Turville closely and inextricably together in visual and functional terms and, importantly, in terms of the sense of place.
- 2.247 As to the existing separation between Aylesbury and Stoke Mandeville, along the eastern side of Wendover Road, the rural gap, with its agricultural use and frontage hedge, would be lost and it would be replaced by a busy urban junction, with lighting, traffic lights and urban street furniture.³⁷⁷ With the development in place, any remaining sense of a rural gap between the settlements would be lost.
- 2.248 The Consortium takes the stance that: -
*'The development proposals in the gap would increase the visual openness of the gap a greater contrast between the built-up area within each settlement and the open land between the settlements. There would be a stronger sense that one has left a built-up area and entered open land between the settlements'*³⁷⁸
- 2.249 Whilst removing the hedge would undoubtedly open up the view, it would no longer be a rural view. The new road connection would be seen as a large and inescapably urban feature (whether or not the mid-ground housing in 'Parcel A' is included³⁷⁹), sitting between two areas of housing. The existing tangible sense that these areas represent the edges of two distinct settlements would be entirely and irretrievably lost.

Linking Aylesbury, Stoke Mandeville and Weston Turville

- 2.250 The Inspectors appointed to consider objections to the Aylesbury Vale District Local Plan and to examine the Core Strategy each commented about the likelihood of Weston Turville retaining its settlement identity if the land to the north were to be developed. However, what was before them, and what is to be considered now, differ in a number of respects: -
- (a) the former's comments have to be read in light of a materially different site boundary which did not extend into the southern part of the site;³⁸⁰
 - (b) the draft Aylesbury Growth Arc Masterplan & Delivery Supplementary Planning Document did not include the development of the land up to Marroway;³⁸¹
 - (c) nor did the Consortium's concept masterplan;³⁸² or the evidence base for the Core Strategy;³⁸³ and
 - (d) the Core Strategy Inspector's consideration was on the basis of the intention to leave the land as agricultural fields (either entirely, or subject to the creation of a link road from Marroway into the site further to the north).

³⁷⁷ HF/4.2 Photomontage B4 (however, it does not capture the effect of significant traffic flows)

³⁷⁸ HF/4/1 paragraph 4.6.23

³⁷⁹ See paragraph 2.211 above

³⁸⁰ AV/JB/1.2.5

³⁸¹ AV.1.46 Diagram 9 (pages 48 - 49)

³⁸² HF1.17 page 27

³⁸³ AV/JB/1.2 Figure 1 (page 33)

- 2.251 The subsequent decision to include the land up to Marroway does not, as claimed, reflect the Supplementary Planning Document; and its inclusion has not been satisfactorily explained or justified.³⁸⁴ The following points are important: -
- (a) the Consortium was previously content to promote development without this land and it has provided no evidence to show that this is no longer the case;
 - (b) the land currently has a positive agricultural use;
 - (c) an agricultural use produces public benefits not just intrinsically, but also in its contribution to the setting and identity of existing settlements; and
 - (d) any future material change in the use of the land from its existing agricultural use would require planning permission.

The nature of the development in the south of the site

- 2.252 The proposed sports and recreation area in the south of the site would not constitute countryside in that: -
- (a) the area is intended to have a *'relatively formal character'*;³⁸⁵
 - (b) it would include formal sports pitches, four flood-lit hard courts, sports pavilion with changing rooms and a car park; and
 - (c) the sports pavilion would be up to 50 metres in length, 12 metres in depth, up to 9 metres (or 6 metres³⁸⁶) in height and illuminated during the hours of darkness.
- 2.253 From within this area the proximity of the nearby residential development, to the north and forming part of the western community, would be apparent; and the perception would be of being within the new garden suburb (just as much as someone in Bedgrove Park regarding themselves to be within Aylesbury).
- 2.254 The proposed facilities are intended equally to serve the residents of Aylesbury, Weston Turville and Stoke Mandeville;³⁸⁷ and they would be of a similar proximity to houses in the latter two settlements as they would to most of the proposed new development. Just as the facilities and green infrastructure would link the two new neighbourhoods (Stoke Mandeville and Aylesbury) inextricably together, they would have the same effect with Weston Turville: -³⁸⁸
- (a) the distance from the garden of the nearest residential property in Weston Turville to the proposed facility would be 150 metres;
 - (b) the distance from Weston Turville's existing recreation ground to the proposed facility would be just over 50 metres;
 - (c) the entrance to Weston Turville's golf course (regarded as defining the urban edge of Weston Turville)³⁸⁹ would be directly opposite the proposed new housing and much closer to the new urban edge of the eastern neighbourhood (which is to be regarded as part of Aylesbury) than to any houses in Weston Turville;

³⁸⁴ HF/5/1 paragraph 3.20

³⁸⁵ HF1.9 page 112 (first sentence)

³⁸⁶ See paragraph 2.212 above (if Draft Condition A2 were to be imposed)

³⁸⁷ HF/5/1 paragraph 2.69 (pre-penultimate bullet)

³⁸⁸ HF1.9 page 75

³⁸⁹ AV1.36 paragraph 3.10.1

- (d) the golf course directly abuts Weston Turville's recreation ground (and whether or not the latter is to be regarded as defining the settlement edge), the recreation facilities of the different settlements would be separated only by hedge boundaries rather than distance; and
- (e) there would be no meaningful areas of countryside between the respective facilities.

The effect of the development on Marroway

2.255 The proposed new junction leading from Marroway into Hampden Fields would be, visually and functionally, an urban feature rather than a rural one. It would also adjoin the settlement edge of Stoke Mandeville and the already narrow gap in the direction of Weston Turville would be reduced further with the respective settlements merging as one.

Conclusions

2.256 The development would effectively lead to the coalescence of Aylesbury, Stoke Mandeville and Weston Turville, compromising the open character of the countryside between them and the small rural gaps that currently exist. It would also fail to preserve the separate identities and characters of these settlements, and conflict with Policy RA.2 of the Aylesbury Vale District Local Plan. This weighs heavily against the proposal.

The fourth main consideration: best and most versatile agricultural land³⁹⁰

2.257 Some 76 hectares of the site (approximately 36% of its total area) is classified as sub-grade 3a, good quality agricultural land. The National Planning Policy Framework seeks to avoid the loss of such land where possible.³⁹¹ The scale of the loss is a material negative consideration against the proposed development.

The seventh main consideration: the overall planning balance³⁹²

2.258 The adverse impacts of the project would be very substantial and irreversible; and they would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in the National Planning Policy Framework as a whole.

Harm

- 2.259 The elements of harm are summarised as follows: -
- (a) significant harm as a result of prematurity;
 - (b) significant harm in terms of landscape and visual impact;
 - (c) significant harm to the settlement identity of Stoke Mandeville and Weston Turville, and coalescence between those two settlements and Aylesbury; and
 - (d) significant harm through the loss of best and most versatile agricultural land.

³⁹⁰ The Council did not present evidence/cross-examination on the third main consideration: heritage assets

³⁹¹ CD 4.1 paragraph 112; HF1.4 page 364

³⁹² The Council did not present evidence/cross-examination on the fifth main consideration: the transport implications of the proposed development; there was broad agreement on the sixth main consideration: conditions and obligations (save for additional draft conditions A1 and A2 – see paragraphs 2.210 – 2.212 above)

Benefits

- 2.260 It is acknowledged that the scheme would produce a number of benefits, some of them significant: -³⁹³
- (a) **Contribution to housing land supply:** having regard to the Council's position on housing land supply (in excess of five year supply) there is no pressing need for additional houses, and little weight can attach to the associated benefits. Even if a need for further housing were found to exist, Hampden Fields would only contribute a maximum of 500 units towards the five year supply; the limited benefit would not outweigh the substantial harm arising from the subsequent delivery of the entire mixed-use urban extension.
 - (b) **Affordable housing:** the scheme would make a significant contribution towards the continuing need for affordable housing; albeit 20% provision would be at the minimum required by Policy GP.2 of the Aylesbury Vale District Local Plan;³⁹⁴ and well below the emerging policy target of 35%;³⁹⁵ with increased provision dependent on the viability of subsequent phases of the scheme.
 - (c) **Economy and job creation:** opportunities for employment, and the balance of employment and housing would be a significant benefit.
 - (d) **Green infrastructure:** the provision of green infrastructure would be a benefit, as it would be accessible and contribute to meeting the objectives of the Aylesbury Green Infrastructure Strategy.³⁹⁶ However, the benefit would have to be balanced against the adverse effect of coalescence compounded by the green infrastructure contributing to that effect.
 - (e) **Park and ride:** provision for this facility would be a benefit in terms of sustainable transport.

Conclusions

- 2.261 The proposed development does not accord with the development plan; it would give rise to significant harm and it would be inherently unsustainable. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the acknowledged benefits when assessed against the policies in the National Planning Policy Framework as a whole.
- 2.262 As with Fleet Marston, the inherent shortcomings of the Hampden Fields proposals, and the harm associated with them, are sufficient to amount to a compelling case for the refusal of planning permission. The Hampden Fields proposal is also equally premature, but again that simply reinforces the case for dismissing the appeal.

³⁹³ AV/PJ/5.1 pages 107 - 110

³⁹⁴ CD 3.3 Policy GP.2

³⁹⁵ AV1.61 Policy VS9

³⁹⁶ AV1.18

WEEDON HILL

The first main consideration: the landscape and visual effects

Introduction

- 2.263 The Council's case applies equally to the mixed-use scheme and the residential proposal in that the differences between the two would not provide any sound basis for a different conclusion: -
- (a) the landscape and visual harm would, in each case, be essentially the same, and neither party has sought to differentiate on that basis;
 - (b) although different benefits would arise in each case (relative to the level of housing and inclusion of employment), the differences would effectively counter balance each other; and
 - (c) although Hallam sought to suggest that the housing scheme would be more beneficial, given the clear need for affordable housing, no comparative analysis was undertaken.
- 2.264 In both cases the decision comes down to a straightforward balance between harm and benefits.

Background to the proposals and their assessment

- 2.265 The proposals are presented variously as a '*very modest extension of Weedon Hill MDA*³⁹⁷ and a '*consolidation*' of the park and ride site.³⁹⁸ As a result, Hallam has not engaged with and addressed the following matters: -
- (a) the reasons why development up to the northern boundary of the Major Development Area (Buckingham Park) - but not beyond - was judged to be appropriate by the Aylesbury Vale District Local Plan Inspector;
 - (b) the particular locational requirements for a successful park and ride facility (on the edge of an urban area and adjacent to a primary route to intercept traffic) and that judgements about associated landscape and visual impact have to be considered in this context;
 - (c) the significant differences in the landscape and visual impacts associated with the park and ride use and the proposed housing/employment development; and
 - (d) the appeal proposals are an alternative to the permitted park and ride use of the western site, and not a '*consolidation*' of it.

The northern boundary of the Major Development Area

- 2.266 It is relevant to reflect on how the northern boundary of the Major Development Area was settled through the Aylesbury Vale District Local Plan process, in that the acceptability of the landscape and visual impact of that proposal was in issue, as was its size and shape and its relationship with the countryside to the north. Indeed, Hallam actively promoted an extension of the boundary northwards, an extension of the park and ride allocation, and a realignment of the Western Link Road to the north.³⁹⁹

³⁹⁷ HL1.7 paragraph 6.19

³⁹⁸ HL/CH/4.3 paragraph R 4.7

³⁹⁹ CD 3.5 including paragraphs 5.21.5, 5.21.9, 5.21.10, 5.21.33, 5.21.45 – 5.21.48, 6.24.1 - 6.24.3

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- 2.267 The Inspector rejected Hallam's bid for the inclusion of an additional 150 units in the allocation, in part, because it '..... may result in pressure for the extension of the MDA beyond its current boundaries, with consequential unnecessary encroachment onto additional greenfield land and visual intrusion'.⁴⁰⁰ The Inspector's view that the containment of the Major Development Area within the proposed boundary of the allocation was desirable and this was reflected in Policy AY.14.⁴⁰¹
- 2.268 The Inspector recorded:-⁴⁰²
- 'The proposed MDA is situated on south facing slopes and rises gently from some 72m to some 83m at Weedon Hill Farm a shallow ridge, rising to some 85m lies along the northern edge of the site and runs south-west from Weedon Hill'*
- 'A well established hedgerow follows the break of slope and visually separates the valley side from the ridge top'*
- 'I am thus satisfied that the proposed MDA will not be visually intrusive, and that it will be possible to satisfactorily integrate the scheme visually with both the built-up area to the south and surrounding countryside. However, care will need to be taken at the detailed design stage to ensure that development does not intrude onto the ridge top towards the northern boundary of the site'*
- 2.269 It is evident that the Inspector was seeking to achieve the satisfactory integration of the proposed development area within the landscape, and minimising adverse visual intrusion, by utilising the combined effect of existing topographical features and vegetation along the northern boundary. Specifically, he relied on the shallow ridge along the northern edge of the Major Development Area, and the well-established hedgerow which reinforces the break of the slope.
- 2.270 In addition, the Inspector was satisfied that the area to be endorsed for major development would not be unacceptably visually intrusive and it could be satisfactorily integrated with the surrounding countryside because of the combined effect of those features, beyond which lies the appeal site. Development beyond that boundary was specifically considered and rejected due to (at least in part) the visual intrusion associated with it. Nothing has changed since then to undermine that position.
- 2.271 Moreover, to the extent that the Major Development Area, as built, has had the undesirably intrusive effect, which the Inspector thought could be avoided, that cannot reasonably be taken as a model for allowing repetition by developing the appeal site as proposed.

The Quarrendon Fields appeal decision

- 2.272 The Secretary of State's decision to dismiss an appeal for a mixed-use development of up to 1,380 dwellings and associated development at Quarrendon Fields,⁴⁰³ less than 400 metres to the west of the appeal site, is relevant in so far as the site, in common with the appeal site, is located within the Northern Vale Landscape Character Area.

⁴⁰⁰ CD 3.5 paragraph 5.21.33

⁴⁰¹ CD 3.3 page 117

⁴⁰² CD 3.5 paragraphs 5.21.45, 5.21.46, 5.21.48

⁴⁰³ CD 5.1

- 2.273 The conclusion on the effect of the development on the landscape was: -
'..... the proposal would result in a significant adverse impact on landscape character and visual intrusion into the wider vale landscape, and would therefore be unduly harmful to the landscape'.⁴⁰⁴
- 2.274 The Inspector's conclusions which informed the decision contain a number of important pointers: -⁴⁰⁵
- (a) *'Both national and local planning policy seek to protect the countryside from harmful forms of development and there is no reduction in protection due to proximity to the urban boundary';*
 - (b) *'The appeal site is an integral part of the Northern Vale landscape and it is reflective of the wider character type; That it is typical of its landscape type means that it has a role to play in contributing to the whole';*
 - (c) *'Although the Northern Vale is not protected by any national landscape designation the Landscape Character Area establishes its condition as good and its sensitivity to change as high'; and*
 - (d) *'The fact that the appeal site is only a small part of the Northern Vale Character Area does not seem particularly relevant to the consideration of impact significance'.*
- 2.275 It is also notable that the Appeal Inspector endorsed the views of the Local Plan Inspector in relation to the significance of topography in limiting visual intrusion of the urban area of Aylesbury into the wider landscape; that heavy woodland planting was not typical of the vale landscape; and it was important for development to have natural defensible boundaries.⁴⁰⁶

The locational requirement of a park and ride use

- 2.276 Park and ride facilities have specific locational requirements; and here the need to allocate a site was closely associated with the planned growth of Aylesbury and, in part, the Weedon Hill Major Development Area to mitigate traffic impacts and improve public transport: -⁴⁰⁷
- '..... suggestion has been made that the park and ride site should be excluded from the MDA. I do not agree it is thus essential, in my opinion, for the park and ride site to be readily accessible not only for motorists entering the town but also for residents within the MDA who may chose to walk to the site'.*
- 2.277 Although it was suggested that housing and employment uses have similar needs in terms of location, the support for a park and ride use was necessarily driven by other factors; and not by its inherent suitability for all and any type of urban development.

The differences in landscape and visual impact

- 2.278 Park and ride facilities also have materially different landscape and visual impacts from housing/employment development in that the former is essentially an open use. Moreover, in relation to the allocated park and ride site: -

⁴⁰⁴ CD 5.1: paragraph 12 (Decision Letter: Secretary of State)

⁴⁰⁵ CD 5.1 paragraphs 339 – 342 (Inspector's Report)

⁴⁰⁶ AV/JB/1.3 paragraphs 173 - 191

⁴⁰⁷ CD 3.5 paragraph 5.21.86

- (a) the use would be confined to the lower slopes of the site and adjacent to existing 'urbanising' features;
- (b) it is located where the containment of recent development provided by the topography and hedge (referred to by the Local Plan Inspector) is least effective;
- (c) unlike the appeal schemes, the park and ride facility would not require an equivalent extent of boundary planting so as to contain its visual impacts as viewed from the countryside beyond the ridge; and
- (d) there would be no need for any bunding on the site.

Park and ride as an alternative use

- 2.279 Hallam's case involves inviting the Secretary of State to accept that the western site is already to be regarded as part of the developed neighbourhood and can be regarded as suitable for housing/employment development by virtue of the park and ride proposal.
- 2.280 Its approach in the Landscape and Visual Impact Assessment assumed the presence of the proposed park and ride use in order to reduce the degree of change associated with the appeal schemes. However, the already permitted use could not be implemented if planning permission were to be granted for the appeal schemes. Consequently, the assessment incorporates a conceptual flaw and should be treated with caution as it does not provide an objective assessment of the impact of the proposed developments on the current baseline, undeveloped, site.

The landscape character of the appeal site***The western site***

- 2.281 The western part of the site forms part of the Northern Vale Landscape Character Area, and is a typical and characteristic part of it. It comprises part of a large open arable field, and such fields are identified as key characteristics of the character area.
- 2.282 The appellant's approach suggests that the absence of other key characteristic features renders it not worthy of protection; but that conflicts with the views expressed by the Inspector in the Quarrendon Fields appeal as set out in paragraph 2.274 above.
- 2.283 Acceptance that no two sites are ever the same does not undermine the general point that the only key characteristic identified which features in any significant way at either Weedon Hill or Quarrendon Fields is the inclusion of large open arable fields; and, in common, the appeal site is part of a valued landscape. Moreover, both sites are bounded by a built-up area and the proposed Western Link Road; and neither site has a natural defensible boundary along those edges which face the open countryside.
- 2.284 In terms of the claim that the whole of the large open field, of which the appeal site forms part, is very much part of the urban edge of Aylesbury (rather than being part of the Northern Vale countryside), there are no visible features to distinguish where the appeal site ends and the rest of the field begins. Moreover, the addition of a landscape buffer would not, in turn, be sufficient to prevent the progressive movement of the urban edge in order to justify further development beyond.

- 2.285 The appeal site, and the more extensive field in which it is located, is clearly to be regarded as part of the countryside, with value to those living nearby due to its proximity to the urban edge. Indeed, it can be said that, in terms of landscape value, open countryside close to the urban boundary is at least as valuable as that further away, not least because of the amenity it affords in both public and private views from the adjacent built-up area.
- 2.286 In this regard the presence of the A413 and the Western Link Road, despite associated roundabouts and lighting, do not serve to make the site 'urban' or 'urban edge' in character; roads are just as much features of the countryside as of the town and the new link road has been designed to be a low key rural road.⁴⁰⁸

The eastern site

- 2.287 The eastern site has no urban or urbanising features or significant detracting features; it is a pleasing piece of open countryside; and it is valued by those who overlook it. It features interesting and attractive ridge and furrow;⁴⁰⁹ and it is representative of a number of the key characteristics of the Hulcott Vale Landscape Character Area notably: -⁴¹⁰
- (a) *low lying vale landscape;*
 - (b) *predominantly in pastoral use;*
 - (c) *low level of woodland cover; and*
 - (d) *a historic meadow (as a 'distinctive feature').*
- 2.288 A roadside hedgerow filters the influence of the A413; views of the built-up area of Watermead are relatively distant; only small elements of Buckingham Park are visible; and there is nothing to suggest that this part of the appeal site should be considered to be urban edge.

Impacts

- 2.289 The Council's evidence is to be preferred to that of the appellant's because: -
- (a) the appellant's assessment has unjustifiably sought to disassociate the appeal site from the wider Landscape Character Area in which it lies with the effect of underestimating the sensitivity of the receiving landscape;⁴¹¹
 - (b) the Landscape and Visual Impact Assessment has not adequately addressed the effect of the upper section of the proposed development on the top of the small ridge, and has consequently underestimated the extent of visibility and impact on the wider landscape to the north-west;⁴¹²

⁴⁰⁸ CD 5.1 Annex E (paragraph 9)

⁴⁰⁹ Environmental Statement (Residential scheme) Volume 1: Chapter 5 paragraphs 5.6 & 6.11 (Bullet 9): (the ridge and furrow was not recorded in the Landscape and Visual Impact Assessment for the mixed-use scheme)

⁴¹⁰ AV/JB/1.3 paragraphs 79 - 80

⁴¹¹ AV/JB/3.1 paragraphs 267 - 276

⁴¹² AV/JB/3.1 paragraphs 277 - 285

-
- (c) the characterisation of the appeal site as urban fringe, rather than open countryside, has the effect of downgrading the impact on the receiving landscape;⁴¹³
 - (d) the assessment consistently underestimates the magnitude of the landscape impacts (related to the scale of the proposed developments and impacts on public and private views); a finding of 'negligible' is unsound; and the development would result in significant adverse landscape and visual impacts;⁴¹⁴ and
 - (e) the proposed block of woodland planting along the north-western boundary of the site, coinciding with the shoulder of the hill, would create an arbitrary boundary through the middle of an open field; it would be out of character with the area; its necessity points to the unsuitability of the site for the developments proposed; and, overall, the proposed mitigation is unlikely to succeed in minimising adverse effects; and it would, in and of itself, contribute substantially to those effects.⁴¹⁵

2.290 It is also important to record that the Landscape and Visual Impact Assessment places a great deal of emphasis and reliance on the assertion that the proposed buildings on the western site would be '*located on the lower slopes of the site.....*',⁴¹⁶ which is one of the '*key elements*' of the design approach.⁴¹⁷ However: -

- (a) the height of the ridge, along part of the north-western boundary, is 85 metres above ordnance datum;
- (b) the proposed buildings would extend up to the 83 – 84 metres contour;⁴¹⁸
- (c) the proposed buildings would rise above the ridge by some 5 metres; and
- (d) the appellant's photomontages⁴¹⁹ demonstrate that the housing would protrude above the ridge when viewed from the west/north-west, and that the built form would not be effectively contained by existing topography;
- (e) the provision of very heavy woodland screen (20 – 80 metres deep) across the field would be out of character, in extent and shape, in this landscape character area: -
 - (i) the Local Plan Inspector noted that heavy woodland planting is uncharacteristic of the area now known as the Northern Vale Landscape Character Area;⁴²⁰
 - (ii) the Aylesbury Vale Landscape Character Assessment records the absence of '*large blocks of woodland*';⁴²¹
 - (iii) it was identified as an important factor by the Inspector in the Quarrendon Fields appeal where heavy screen planting was also being contemplated;⁴²² and

⁴¹³ AV/JB/3.1 paragraphs 286 - 293

⁴¹⁴ AV/JB/3.1 paragraphs 294 - 332

⁴¹⁵ AV/JB/3.1 paragraphs 233 - 338

⁴¹⁶ HL1.7 paragraph 5.6

⁴¹⁷ HL/PR/3.5 paragraph 8.6

⁴¹⁸ HL/PR/3.2 Figure 5; HL/PR/3.6 Figure 5

⁴¹⁹ HL/PR/3.2 Figure 19; HL/PR/3.6 Figure 19

⁴²⁰ CD 3.5 paragraph 5.20.45

⁴²¹ AV/JB/1.3 paragraph 70

⁴²² CD 5.1 paragraph 348 (Inspector's Report)

- (iv) the appellant's comparison with 'Evelyn's Patch' is undermined by its smaller extent and location within a different Landscape Character Area; and reference to two other small areas, a considerable distance from the site, were not referred to in (i) – (iii) above or in the Landscape and Visual Impact Assessment;
- (f) whilst the above analysis has related adverse impacts from the north and north-west, impact on landscape character is not dependent on visibility, in that it is an impact on the finite resource that is the landscape itself; and, in any event, the western site is overlooked from other public and private vantages where, in the case of the latter, the cumulative effect of the number of private views adversely affected increases the weight to be attached to this impact;
- (g) the assessments of visual impact in the Landscape and Visual Impact Assessment are opaque, lacking adequate explanation of the judgments reached with particular reference to the following claims: -⁴²³
 - (i) those properties on the northern edge of Buckingham Park, with clear views over an open arable field, would not regard as significant the replacement of that rural aspect with a view of a housing estate and/or a mixed housing and employment development;
 - (ii) the occupants of Weedon Hill Farm, with clear uninterrupted views across the appeal site, would consider the introduction of such development at a distance of only 20 metres to be a '*minor deterioration in the view a 'small incongruous element that could be missed by the casual observer'*'; and
 - (iii) the residents of Weedon Hill House would not regard as a significant deterioration the replacement of the attractive open rural view they currently enjoy with a substantial block of screen planting on top of an artificial bund, with a park and ride use beyond (lit during the hours of darkness), immediately at the bottom of their garden.

2.291 The adverse landscape and visual impacts of the proposed park and ride development on the eastern site would be substantial, and entirely avoidable: -

- (a) screening is proposed in the form of boundary planting (20 metres wide) with bunding some 2 metres high, neither of which would reflect any comparable features on the site;
- (b) there is no landscape rationale for the layout of the site; the screen planting and bunding would simply follow the rectangular shape of the park and ride facility, leaving arbitrary remnants of the field around its eastern edge: '*mitigation measures that rely solely on 'add-on' or 'cosmetic' landscape measures such as screen planting to remedy the negative effects of an otherwise fixed scheme design, are likely to be the least successful'*;⁴²⁴ and
- (c) the resultant harm could be avoided as the same development can satisfactorily be accommodated on an alternative allocated site with less significant harm.

2.292 In summary, the adverse landscape and visual effects of the proposed development would be substantial and should be accorded very significant weight in determining the appeals.

⁴²³ AV/JB/1.3 paragraphs 394 - 431

⁴²⁴ CD 7.13 paragraph 5.11

Aylesbury Vale District Local Plan: Policy GP.35

- 2.293 Whilst there is dispute between the parties as to the proper interpretation of this policy,⁴²⁵ the matter is somewhat academic: -
- (a) the nature and extent of the impact, and thus the actual level of harm, remains the same;
 - (b) breach or otherwise of GP.35 would go to the weight that attaches to the harm; and, where there is no relevant development plan policy, the decision maker looks to the policies of the National Planning Policy Framework as a whole;
 - (c) a conclusion that there would be significant harm in terms of landscape and visual impact would, in principle, be capable of justifying the refusal of planning permission in accordance with paragraph 14 of the National Planning Policy Framework; and
 - (d) it is plain that the Framework does not set out an approach in which economic growth is to be achieved at the expense of the environment; indeed, the economic, social and environmental roles are mutually dependent.⁴²⁶

The third main consideration: the overall planning balance⁴²⁷

- 2.294 It is acknowledged that, for the mixed-use scheme, employment opportunities would arise; and both schemes would contribute to the provision of affordable housing; but little weight should be given to the park and ride facility given that it is simply being moved from one location that is acceptable in transportation terms to another. Those benefits would be significantly outweighed by the landscape and visual harm that would be caused, even if it were concluded that the Council did not have a five year housing land supply.⁴²⁸

- 2.295 For the reasons set out above both of the appeals should be dismissed.

Matters following the close of the Inquiry⁴²⁹

- 2.296 The Council accepts that the withdrawal of the Vale of Aylesbury Plan means that there is no case to be made on the grounds of prematurity; but this does not undermine its fundamental position that the Fleet Marston and Hampden Fields proposals should be refused on a straightforward application of paragraph 14 of the National Planning Policy Framework.

- 2.297 It also confirms that the Planning Practice Guidance does not materially alter the case for the local planning authority.⁴³⁰

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⁴²⁵ See paragraphs 2.120 – 2.122 above

⁴²⁶ CD 4.1 paragraphs 7 - 8

⁴²⁷ The second main consideration: conditions and obligations - are agreed matters

⁴²⁸ AV/PJ5/1 paragraphs 8.45 – 8.50 + Committee Report

⁴²⁹ See paragraph 1.73 above

⁴³⁰ AV1.143 Extract from Council's response provided to the Inspector (NB the other matters in the response have not been copied to the Inspector)

3. The Case for Barwood Land and Estates Limited

Introduction

Overview

- 3.1 The starting point is: -
- (a) it is fundamental to the government's approach to communities that they are treated and developed as distinct places with individual identities which should be respected not destroyed; that means not building over the differences or filling in the gaps so as to create amorphous masses of housing;
 - (b) the government's agenda for planning is that it should deliver and not frustrate growth, both in terms of the delivery of housing and economically; in this case the Council's housing numbers, set out in the draft Vale of Aylesbury Plan will not deliver anything like the level of growth that is needed to meet national policy objectives; and
 - (c) sustainability is the driver for the overall approach for Fleet Marston; it would be achieved in a variety of ways, notably by encouraging alternative modes of travel to the private car; but, in reality, the Council has given little weight to what would be possibly the single largest contribution to Aylesbury's sustainability in the form of Fleet Marston's delivery of the A41 Primary Public Transport Corridor with its admitted far reaching benefits for the whole town.
- 3.2 Fleet Marston would meet these high level objectives in a way that has been endorsed independently, and uniquely (following invitation from Barwood), by CABA.⁴³¹ It would guarantee the growth which is necessary in Aylesbury; it would take place in the very best way; and in the very best location.

Context

- 3.3 The Fleet Marston scheme has an important and considerable history. From its inception, visual and landscape analysis has played a fundamental role in site selection and scheme design and boundaries. It was critical in determining the location and acceptability of development at Fleet Marston and has been a key feature in the evolution of the scheme as a whole.
- 3.4 The landscape-led approach⁴³² prompted the early engagement of a consultant for the purposes of selecting a site in Aylesbury which was appropriate as a location for a sustainable urban extension and where such development could be assimilated into the landscape and visual context (the Thomas Report).⁴³³

⁴³¹ Commission for Architecture and Built Environment; BL/ML/2.5 pages 1.223 – 1.25

⁴³² BL/CB/1.1 paragraph 1.7

⁴³³ BL1.12

- 3.5 That approach, which is promoted by the Landscape Institute, led Barwood to the selection of Fleet Marston as an appropriate location to pursue a model of expansion that has subsequently found robust support in the Taylor Review⁴³⁴ to create a *'hub and spoke'* development.
- 3.6 The model creates *'self contained satellite neighbourhoods with mix of housing, employment and public green and open space benefiting both new and old communities'* while allowing the existing communities around the new development to retain their unique sense of place.⁴³⁵
- 3.7 The site selection process broadly included the following steps: -⁴³⁶
- (a) a review of land around Aylesbury to establish the potential for sustainable settlement expansion guided by the landscape context; and
 - (b) the production of the Fleet Marston Landscape Overview Report examined the historic pattern of growth around the town and acknowledged the need to protect the character and setting of the historic and characteristic outlying villages and of Aylesbury itself. The Report set down the challenge of *'growth in the Town in a way that will retain its remnant strong characteristics and distinctiveness; mend its broken connections and fragmented quality of life; revive its historic and surviving system of relationships with its surrounding cluster of villages; and celebrate its role in the metropolitan region without surrendering its own sense of identity'*.⁴³⁷
- 3.8 The process started with a planning application, supported by an Environmental Statement and Sustainability Appraisal, which was submitted in 2009 (and later withdrawn) concurrent with the then Core Strategy process. All of that material informed the Core Strategy Inspector's conclusion that, in principle, development at Fleet Marston (as a competing alternative to the Council's then Growth Arc Strategy) was acceptable: -
- (a) the Inspector requested that the Council in consultation with the site promoters investigate combining the South East site (albeit on the basis of a concept scheme broadly in the area of Hampden Fields), with the Fleet Marston site and one other to show how the South East Plan requirement could be met in a different way from the promoted *'growth arc'* option;⁴³⁸
 - (b) the Inspector had before him at that time, the full suite of Fleet Marston application documents, the Council's Landscape evidence base⁴³⁹ (which sought to direct development away from the appeal site) and Barwood's critique of those studies;⁴⁴⁰
 - (c) the Inspector was satisfied, in terms of sustainability, that Fleet Marston had better access to Aylesbury Vale Parkway railway station and the proposed East-West Rail route than other proposed sites. He acknowledged that the distance from the town centre was a disadvantage, but that the route for pedestrians and cyclists was reasonably flat and with possibilities for improvement; and recognised that that the development would benefit from a wider, better Primary Public Transport Corridor;

⁴³⁴ BL1.55 Living Working Countryside: The Taylor Review of Rural Economy and Affordable Housing

⁴³⁵ BL1.55 Figure 2.2 (page 63)

⁴³⁶ BL/CB/1.1 paragraphs 2.6, 2.7

⁴³⁷ BL1.12 paragraph 3.26

⁴³⁸ AV1.8 paragraph 6

⁴³⁹ AV1.14; AV 1.19; AV1.33; AV1.35; AV1.36; AV1.39

⁴⁴⁰ BL1.53

- (d) in terms of transport, the Inspector acknowledged that further modelling needed to be undertaken in order to find out the transport effects across the whole town but identified no 'show stoppers';⁴⁴¹
- (e) in landscape terms, the Inspector described the majority of the Fleet Marston site as 'flat farmland of little visual interest'; in terms of agricultural land classification much of the site was grade 4; it was noted that the development would likely be seen as an isolated new settlement in the open countryside separated by the railway, but that the completion of Berryfields Major Development Area (which is now well underway) would lessen the sense of isolation;⁴⁴² and
- (f) in respect of heritage considerations, whilst the Inspector accepted that the proposal would affect the setting of Saint Mary's church, and to a lesser extent Fleet Marston farmhouse, he was satisfied that the integrity of these heritage assets could be protected by adequate thought being given to the landscape structure of the development and the potential re-use of the church.⁴⁴³

3.9 Shortly after the receipt of the Core Strategy Inspector's Interim Report, the Council chose to abandon the Core Strategy without seeking to challenge any of the Inspector's conclusions, or indeed, the arguments put forward by the promoters of Fleet Marston. Barwood's resubmitted planning application, in 2010, after a long and careful process of consultation and dialogue with the Council, culminated in a favourable officer recommendation in July 2012.⁴⁴⁴

3.10 Nonetheless, and notwithstanding endorsement or lack of objection from statutory consultees and a rapidly rising unmet housing need, the application was refused by members despite the absence of any changed circumstances to undermine the Core Strategy Inspector's findings on the merits of Fleet Marston as a location for a sustainable urban extension. Further, the Inspector recognised:-⁴⁴⁵

'Public opinion would undoubtedly favour an option including Fleet Marston, which is distanced from existing communities. Although Fleet Marston would be more of a distinct new settlement, I have doubts that the level of integration with the rest of the town and its communities would be significantly worse than other options'.

3.11 The fact that Fleet Marston is situated away from those settlements whose character and identity are worthy of protection makes Fleet Marston such an attractive proposition and the sort of good housing growth the Taylor Review promotes.⁴⁴⁶ Hampden Fields, by contrast, would subsume individual settlements into a larger 'doughnut' form of 'nowhere' development whereas CABE described Fleet Marston as: - '..... a well designed masterplan which has the potential to create a successful new community'.

⁴⁴¹ AV1.8 paragraph 21

⁴⁴² AV1.8 paragraphs 10, 12

⁴⁴³ AV1.8 paragraph 13

⁴⁴⁴ BL1.38

⁴⁴⁵ AV1.8 paragraph 15

⁴⁴⁶ BL1.55

- 3.12 The Fleet Marston scheme was adjusted, in January 2012, by reducing the number of dwellings to 2,745, and a revision to allow a greater area of open space around Saint Mary's church to better protect its setting and to reflect underlying archaeological features identified.
- 3.13 The recommendation of approval accepted that the proposal would have a significant adverse impact on the landscape and character of the open countryside, but, in all other respects, it would comply with the development plan and the National Planning Policy Framework. On balance it was considered, taking account of the significant contribution to the five year supply of housing land, that the harmful impact on the open countryside was an issue which in isolation would not justify a refusal of permission.

Urban design

- 3.14 The Council's initial position on design is recorded as follows: -⁴⁴⁷
- 'Whilst the application is in outline the supporting documentation provides comprehensive detailing of the evolution of the scheme including an analysis of the site and its surroundings, its relationship to existing transport links, acknowledging and using existing references from the historic landscape and built environment and the characteristics of the area. From that work the approach to each of the character areas has evolved dealing firstly with the areas of built development and the approach to the location and scale and design of the various building types Overall the approach adopted deals satisfactorily with those matters relating to design that require consideration at this stage. Matters relating to detailed implementation can be addressed through the Design Codes that can be secured through a S106 Agreement or by the use of conditions'.*
- 3.15 The addendum to the application in 2012⁴⁴⁸ reflects detailed consultation with officers at district and county level and other stakeholders and led to the following changes: -
- (a) the removal of housing on the land to the north-east of the railway line to create a logical and natural edge; with the land released remaining in small scale, low intensity, productive agricultural use and carefully managed for the encouragement of biodiversity;
 - (b) the creation of a more gentle transition between the development and the open countryside on the western edge of the development;
 - (c) the enlargement of the open space around the church of Saint Mary to increase the openness of its setting; and
 - (d) the relocation of formal sports pitches from north-east of the railway line to south of the A41.
- 3.16 The approach to design has followed an iterative process that led to the current scheme. It involved understanding the site's context at various spatial levels, the '*genius of the place*', and the character of Aylesbury with the underlying aim of ensuring '*good growth*' which avoided the '*doughnut*' effect referred to in the Taylor Review.⁴⁴⁹ Fleet Marston would avoid the amorphous spreading of a town without limit.

⁴⁴⁷ BL1.38 paragraphs 10.137 - 10.141; CD 6.1A paragraphs 6.39 - 6.40

⁴⁴⁸ BL1.23

⁴⁴⁹ BL1.55 Figure 2.2

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- 3.17 The densities proposed have arisen as a result of conscious design, rather than a particular figure, based on the need to create an urban environment as opposed to suburban spread. The prospect of two compact urban neighbourhoods would provide ease of contact between residents and a sense of place with variety and vitality.
- 3.18 CABE's design panel, following a presentation in 2008, found much to admire in the proposals by endorsing the strategy to 'civilise' the A41 and the public transport strategy and endorsed the approach to, and form of, placemaking and commenting as follows: ⁴⁵⁰
- 'We welcome the opportunity to comment on this interesting scheme and we applaud the client's passion and commitment to create a sustainable and vibrant community. The depth of the analysis and the clarity of thought apparent in the comprehensive presentation to the panel are impressive and the resulting scheme has many merits. We welcome the contextual approach, the rich offer of public spaces and the successful integration of existing natural features. While we welcome the basic strategies and the intention to embed the A41 into the scheme, we have some concerns regarding the proposal's setting in the landscape, the treatment of the A41 and the relationship of the different elements of the scheme.'*
- 3.19 The Fleet Marston Strategy seeks to build separate and distinct areas within the development which was applauded by CABE who noted that the form and structure of the development had been generated by 'a clear design process'. It is that process which has led to strategic provision of green spaces, local centres and varying densities to reflect local characteristics.
- 3.20 In total, 105.19 hectares of green infrastructure would be provided (34.71 hectares to the north-east of the railway line and 70.48 hectares to the south-west). ⁴⁵¹ Until the Inquiry there was no suggestion from the Council of any objection to this arrangement or any conflict with Policy GP.86. ⁴⁵² The open space to be provided would far exceed the requirements of the policy, namely 58.86 hectares of Local and Larger Open Space (26.8 hectares required); and 29.29 hectares as local nature reserve (7.1 hectares required).
- 3.21 The response from CABE also recorded: - *'Providing a successful public transport concept is crucial for the success of the proposal, particularly as the proposed development is likely to generate more traffic and congestion on the A41'*. This is exactly what the Fleet Marston proposal would do with the delivery of a high quality public transport link through the provision of the Primary Public Transport Corridor, which would otherwise not be provided. The Council agrees that this would be a major benefit which would enhance the sustainability of both Fleet Marston and Berryfields, and also with wider benefits to the town as a whole.

⁴⁵⁰ APP/ML/2.3 Appendix 6

⁴⁵¹ BL1.91

⁴⁵² BL1.38 paragraph 10.140; CD 6.1A paragraph 6.25

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- 3.22 The revised scheme for Fleet Marston, in 2012, received further positive feedback from CABE.⁴⁵³ Although Barwood was urged *'to implement the additional rail station'* (within the site) it was recognised that there were difficulties with the provision of that element and that Aylesbury Vale Parkway station was available for use by commuters. The changes made to the layout were welcomed including the larger churchyard around Saint Mary's church.
- 3.23 The Council has, however, argued that the proposal would result in an unacceptable outward linear expansion of Aylesbury that is poorly related to the current planned limits of the town and is physically separated from it by the railway line. In addition, it says that reliance on a single *'constrained'* link, along the A41, to provide all forms of transport is a reason for refusing the scheme.
- 3.24 In respect of the outward linear expansion of Aylesbury, and Fleet Marston's relationship to the rest of the town, the scheme makes no apology for abiding by the growth model promoted in the Taylor Review. The positioning of this urban extension away from existing development would allow the creation of a new and vibrant community without compromising local distinctiveness.
- 3.25 The presence of Berryfields is highly significant and together with the Fleet Marston proposal would form *'beads of development'*⁴⁵⁴ along the A41 transport corridor, in line with the preferred hub and spoke model promoted by the Taylor Review. Berryfields and Fleet Marston would create a mutual context of urban development enhanced by close proximity and inter-visibility; a relationship that would inevitably grow stronger over time. The A41, in its *'civilised'* form, would provide the thread for the developments.
- 3.26 In terms of the impact of the railway bridge over the A41, whilst acknowledging that it provides an element of visual separation, it no more severs Fleet Marston from the wider area than the River Thames severs Berryfields. It is another urban feature in a more general context and is of a typology entirely characteristic of townscapes throughout the land. The Council's reliance on the presence of the railway line and bridge as the logical and natural edge to Aylesbury is a heavy burden for such an unassuming and common feature of the landscape.
- 3.27 Finally, as there is no requirement for there to be more than one high quality public transport link, the Council's concern on this point cannot be sustained. Although it is right that CABE urged the implementation of a railway station for Fleet Marston, in addition to the service at Aylesbury Vale parkway station, its delivery cannot be guaranteed at this time. Whilst the provision of a new station remains an aspiration, the scheme's sustainable public transport credentials do not rely on it given the high quality and strategically important Primary Public Transport Corridor that would be delivered, and the proximity of the site to the existing station.

⁴⁵³ BL/ML/2.3 Appendix 7

⁴⁵⁴ AV1.8 paragraph 10

Policy

- 3.28 The Aylesbury Vale District Local Plan was adopted in 2004 after an eight year plan preparation period. Various policies were saved in 2007, but policies relating to the supply of housing are now out of date. Greenfield sites will have to accommodate new homes given the lack of brownfield land available;⁴⁵⁵ and so harm, by reason of introducing built form into the countryside, cannot of itself be a satisfactory reason for refusal.
- 3.29 The saved policies that are in line with the National Planning Policy Framework attract greater weight according to their level of consistency with the Framework. Such policies include Policy RA.2, which seeks to avoid coalescence and reducing open land that contributes to the form and character of rural settlements.⁴⁵⁶ However, as Policy RA.8 (Landscape Designations) is out of date, and it does not comply with the Framework, no weight can be attached to it.
- 3.30 Although the South East Plan has been revoked, it set a housing target for Aylesbury on the basis of what is presently the most up-to-date and independently tested evidence base which forms a material consideration in this appeal.

The first preliminary main consideration: housing land supply

The level of housing required

- 3.31 The points at issue relate to identifying the correct level of housing need, and whether the draft Vale of Aylesbury Plan makes adequate provision to meet the past shortfall and the future need. It is clear that Aylesbury is an appropriate and relatively unconstrained location for new development; and this has been recognised in the South East Plan and the growth strategy and now, by the Council, both in terms of its proposed spatial vision and the strong economic performance by the district in recent times.⁴⁵⁷
- 3.32 The resilience of the local economy is illustrated by the recovery in total employment from 68,300 jobs in 2009 to 70,000 in 2010 against an initial total of 72,700 in 2008.⁴⁵⁸ The Economic Development Strategy states: -⁴⁵⁹ *'When compared to the rest of the country's average, the district has outperformed the country as a whole in terms of minimising job losses'*.
- 3.33 The Council accepts there is no basis for taking the view that the economy in Aylesbury will not recover having regard to that resilience; but the prospect of achieving the level of economic growth which the Vale of Aylesbury Plan is planning for is downplayed;⁴⁶⁰ even though Aylesbury has been outperforming the South East region which has been the most economically vibrant region in the country in recent times.⁴⁶¹

⁴⁵⁵ CD 3.5 paragraph 5.23.15

⁴⁵⁶ See also CD 4.1 paragraphs 17, 60, 126, 131

⁴⁵⁷ AV/JHB/3.1 paragraphs 3.2, 5.7 c), 6.28

⁴⁵⁸ BL/MT/5.1 paragraph 3.101

⁴⁵⁹ AV1.64 page 22

⁴⁶⁰ AV/JG/2.1 paragraph 5.28

⁴⁶¹ BL/MT/5.1 paragraph 3.99

- 3.34 In terms of ascertaining the appropriate level of housing for the area it is clear that the Council, in its approach to housing, is planning for a crisis: -
- (a) Aylesbury has been recognised for some time as a location for growth; its confirmation as a Growth Point and its subsequent Growth Area Funding was clear evidence of the Council's intention to support substantial new housing growth;⁴⁶²
 - (b) Policy VS2 of the Vale of Aylesbury Plan plans for the delivery of 15,100 jobs (9,100 previously allocated (*'pipeline'*) and 6,000 new jobs and 3,550 net additional homes (in addition to 9,950 homes projected from existing commitments in the plan period);⁴⁶³
 - (c) the employment provision is acknowledged to be a realistic level to plan for;
 - (d) although the Plan takes a jobs led approach, the evidence to the Inquiry followed a demographics approach to arrive at a total housing requirement of 13,500 additional homes in the period from 2011 to 2031;
 - (e) an updated demographics exercise was undertaken in May 2013.⁴⁶⁴ Taking the total jobs planned in the Vale of Aylesbury Plan as the basis of the assessment, the number of additional homes would be somewhere between 14,515 and 18,750;⁴⁶⁵ with annual housing growth of approximately 1,000 dwellings (in the range 911 – 1,047);⁴⁶⁶
 - (f) those projections make no reduction for commuting and assume a 1:1 relationship between new jobs being created and the number of residents;
 - (g) if past commuting rates remain, the level of housing requirement would be between 20,953 and 24,385 additional homes i.e. at least 1,000 homes per annum;⁴⁶⁷
 - (h) there is no evidence to suggest a realistic prospect of changing commuting patterns in Aylesbury; in the past the construction of Aylesbury Vale Parkway station had assisted commuting to other centres; and the completion of the now committed East-West Rail, and the resultant links (e.g. to Milton Keynes), will make it less easy to influence the position on commuting;
 - (i) that makes the Council's proposition that: - *'..... if the jobs density were increased to the South East average of 0.80, we could see an additional 10,000 jobs in the Vale, without any growth in the resident local labour force'* devoid of any support. Accordingly, it should, on its own evidence, be planning for 1,000 homes per annum;
 - (j) recognition is given that *'anecdotally improvements to journey times to London from Aylesbury in 2002 have supported a growth in commuting' and that the delivery of Aylesbury Vale Parkway was also expected to impact on commuting in the Aylesbury and Rural South sub-markets'*;⁴⁶⁸
 - (k) that trend is reinforced by job density: - *'some of the larger employment centres have a notably higher jobs density. Milton Keynes has 97 and Bedford 74 jobs per 100 working age residents (16 - 64). However in*

⁴⁶² BL/MT/5.1

⁴⁶³ CD 2.61 page 20 (see also paragraphs 3.23, 3.7

⁴⁶⁴ AV/JG/2.2

⁴⁶⁵ (PROJ 6 - Experian (2011)) (PROJ 6a – Experian (2013)) AV/JG/2.2 Figure 4 (page 14)

⁴⁶⁶ AV/JG/2.2 Figure 23 (page 32)

⁴⁶⁷ AV/JG/2.2 Figure 25 (page 35)

⁴⁶⁸ AV1.20 paragraph 5.79

*Central Bedfordshire, Luton and Aylesbury Vale the jobs density falls between 64 – 70 jobs per 100 working age residents (0.64 in Aylesbury Vale). This likely reflects commuting to larger employment centres (including London);*⁴⁶⁹

- (l) there is a wage differential between Aylesbury and other places which reflects the commuting trend of residents in higher paid jobs into London;
 - (m) the advent of East-West Rail and the ease of sustainable rail journeys for the major employment centre of Milton Keynes is not going to assist in reducing short distance commuting (even if that is regarded to be desirable); and
 - (n) the Council's suggestion that there might be a significant increase in job density, or a change in self containment, that might materially reduce out-commuting is unsupported by evidence; and, if the 'realistic' jobs target in the Vale of Aylesbury Plan is to be met, provision needs to be made for some 21,000 - 22,000 homes.
- 3.35 However, despite the evidence given, the Council, in its Closing Submissions, claims that the number of jobs planned for is '*overly optimistic and ambitious*'.⁴⁷⁰ The consequential disconnect between the two fundamental and obviously related parts of the plan, housing and employment, is a recipe for disaster;⁴⁷¹ and the planned provision of only 13,500 dwellings would not meet the aim of boosting significantly the supply of housing to meet the full objectively assessed housing need.
- 3.36 It is a key objective of the government's housing policy goal to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live; and local authorities should use a strategic evidence-based approach in setting out the appropriate level of overall housing provision. Although the Council has sought to cast doubt on the objectivity of the evidence base underpinning the Regional Strategy, it was accepted that the figures had been arrived at legitimately and with sustainable housing provision in mind.
- 3.37 Further, the South East Plan made clear that the targets set out were significantly below the forecast growth of households; and noted that future review was likely to reveal a need to identify a higher level of housing provision to meet the strategic needs of the region. It must be remembered that the related aim of the plan was to achieve an appropriate level of housing to meet the full objectively assessed need for both market and affordable housing across an entire housing market area to ensure an alignment of housing and economic growth.⁴⁷²
- 3.38 The National Planning Policy Framework requires local authorities to prepare a Strategic Housing Market Assessment to assess their full housing needs; but here the Council has failed in that regard. The fact that other authorities are at different stages in plan preparation is no excuse. The whole thrust of national guidance is to ensure that gaps in the housing market area do not arise with a resultant potential risk of undersupply.

⁴⁶⁹ AV1.97 paragraph 4.74 & Figure 37 (page 56)

⁴⁷⁰ AV1.142 paragraph 67

⁴⁷¹ AV1.142 paragraphs 69, 70, 72

⁴⁷² CD 3.1 paragraph 7.6 & Policy SP1 (page 17)

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- 3.39 In terms of affordable housing need, the Council's approach of including houses in the private rented sector as part of the supply has no support in the National Planning Policy Framework. Therefore, with an actual, annual, affordable housing stock of 520 dwellings (against a need of 1,372 homes per annum) there would be an acute deficit of some 4,260 affordable homes for the five year period ending in 2016.⁴⁷³ That compares with an indicative phasing requirement in the Vale of Aylesbury Plan of 5,350 dwellings in the same period for both market and affordable homes.⁴⁷⁴
- 3.40 The residual housing requirement for the district (2006-2026), in the South East Plan, was 21,500 units for Aylesbury and the rest of the district (1,075 per annum).⁴⁷⁵ By substituting the draft Vale of Aylesbury Plan targets from 2011 (675 per annum) and relying on the delivery of the committed Land East of Aylesbury development, the Council claim to enjoy a housing supply of well over 5 years (6.7 years with a 5% buffer).
- 3.41 However, that position relies on the abandonment of the only housing figures that have been subject to independent testing; and on a proposed development site with a difficult history evidenced in part by the problems in concluding a section 106 agreement (what has ultimately been signed simply postpones all the problems to another day and does nothing to reassure on delivery of anything for years to come).
- 3.42 The premise of there being no record of persistent under-delivery relies on comparing the average annual completions of 866 dwellings (2008 - 2013) against the proposed Vale of Aylesbury Plan target of 675 units per annum. However, when measured against the South East Plan target (1,345 units per annum) the scale of under-delivery (3,551 dwellings) would warrant the addition of a 20% buffer and a requirement for 8,493 dwellings in the period 2013 - 2018.⁴⁷⁶
- 3.43 In the reporting of the Fleet Marston proposal to Committee it was said: - *'..... the lack of strategic allocations at Aylesbury have resulted in the current position in relation to the 5 year housing land supply which is that at Aylesbury the figure is 2.4 years and for the District as a whole the figure is 2.7 years'*.⁴⁷⁷ That position has not changed.
- 3.44 The timeline⁴⁷⁸ of the Council's approach to its housing requirement demonstrates a shift from a proposed additional 9,000 homes in May 2012 (before the Fleet Marston application went to Committee), to 6,000 in August 2012 without any new evidence or sustainability appraisal work.⁴⁷⁹
- 3.45 Looking at the process as a whole, the Housing and Economic Growth Assessment was an analysis of the district alone; it was not a final piece of work; it presented a vast range of potential housing numbers with recommendations for further work to be undertaken before a robust housing requirement could be arrived at.

⁴⁷³ AV/JG/2.1 Table 4 (page 23)

⁴⁷⁴ AV1.61 Table 3 (page 33)

⁴⁷⁵ An additional 5,390 homes were planned as an urban extension to south-west Milton Keynes

⁴⁷⁶ CD 4.1 paragraph 47; BL/MT/5.1 paragraph 3.157

⁴⁷⁷ BL1.38 paragraph 10.55 – see also AV1.10 page 3

⁴⁷⁸ BL/MT/5.2 Appendix 3

⁴⁷⁹ AV1.20 paragraph 18.7

3.46 The Strategic Housing Market Assessment Validation was a means by which the Council sought to overcome obvious deficiencies in the evidence and to show conformity with the requirements of the National Planning Policy Framework. However, that study is deficient in that it was produced without the agreement of, or input from, neighbouring authorities and it was prepared after the Vale of Aylesbury Plan housing figure was settled by the Council's cabinet in October 2012.⁴⁸⁰

The duty to cooperate

3.47 Fundamental to the success of the Vale of Aylesbury Plan will be evidence that the Council has cooperated constructively, actively and on an ongoing basis with its neighbours on issues with cross-boundary impacts in the preparation of the plan.⁴⁸¹ The Act⁴⁸² is very clear that cooperation must inform the plan making process - it cannot be effected after the event, and the National Planning Policy Framework expects cooperation to lead to an effective outcome whereby plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.

3.48 The Inspector's Report of the preliminary hearing into Coventry's Core Strategy set out general principles on the duty to cooperate. The Council agrees that:⁴⁸³

- (a) housing is a strategic cross boundary issue;
- (b) objections to a plan from neighbouring local authorities are an indication of a less than constructive approach to cooperation;
- (c) it is for Aylesbury Vale District Council, and not its neighbours, to demonstrate that there has been constructive and ongoing cooperation;
- (d) the Strategic Housing Market Assessment as a tool has a critical role to play in the planning process and is crucial to understanding housing need in the strategic area; and
- (e) the Housing and Economic Growth Assessment and the Strategic Housing Market Assessment Validation Study were carried out on behalf of Aylesbury Vale District Council only; and neither the methodology nor the outcomes have been assented to by other authorities within the Housing Market Area. The consultation on final drafts does not amount to full engagement in the process.

3.49 Nonetheless, the Duty to Cooperate Topic Paper⁴⁸⁴ reveals that the evidence base relating to housing need in the housing market area is incomplete for Dacorum, Wycombe and Chiltern. Moreover, despite the reassurance that *'there are no outstanding strategic issues to be resolved'* with a number of Councils including Dacorum, Hertfordshire, and South Bucks, the reality of the subsequent representations was very different.⁴⁸⁵

480 AV1.25

481 Planning and Compulsory Purchase Act 2004 section 33A

482 CD 4.1 paragraph 181

483 CD 5.15 paragraphs 46 - 54

484 AV1.104

485 CD 9.1 - CD 9.12

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- 3.50 It is agreed that there are highly material differences between what is said in the Topic Paper and what has been said in the representations. Hence, it would be unsafe to rely on the Topic Paper as any formal record of agreement. Criticism has been raised by a number of authorities that Aylesbury Vale District Council has failed to discharge the duty to cooperate and that the plan is neither legally compliant nor sound.
- 3.51 The following agreed points are material: -
- (a) the Council's position of fulfilling the duty to cooperate is inconsistent with the above concerns;⁴⁸⁶
 - (b) there was a failure to cooperate on the production of the Strategic Housing Market Assessment Validation Study which records that '*Luton Borough Council were consulted during a telephone call, 27th November 2012*';⁴⁸⁷ and
 - (c) at the time the Council agreed (on 17 October 2012) to submit the Vale of Aylesbury Plan,⁴⁸⁸ the Strategic Housing Market Assessment Validation Study was listed as a supporting technical document; but neither the study nor the consultation were complete. Thus, there was no complete and up-to-date evidence base, and no contemplation of supplying homes for neighbouring local authorities whose needs, because of constraints within their own administrative areas, have historically been met in Aylesbury.
- 3.52 The inclusion of a contingency clause in the plan that: -⁴⁸⁹
- 'In the event that during the plan period an un-met need for housing land in an adjoining authority within a shared housing market area, is identified and fully justified then contingency measures would be triggered'.*
- Such an approach would not be necessary if the Vale of Aylesbury Plan planned to meet the objectively assessed need for the housing market area as required by the National Planning Policy Framework.
- 3.53 The clause is a confession that the work has not been done; it erects a number of hurdles for those local authorities which seek the assistance of Aylesbury Vale District Council; and it has similarities with Coventry Core Strategy's '*agreement to seek to agree*' that saw it falter.⁴⁹⁰
- 3.54 In short, the clause is not about cooperation; and it would be for Aylesbury Vale to decide whether it would assist other local authorities or not. Given the Council's reluctance to significantly boost the supply of housing in its own administrative area, it is difficult to imagine it coming to the aid of others. Overall, what is already likely to be a housing crisis in the district would be further exacerbated as wider housing needs are identified elsewhere in the Housing Market Area with neighbouring local authorities looking to Aylesbury for assistance.

⁴⁸⁶ AV1.104 paragraph 30.4

⁴⁸⁷ AV1.97 page 86

⁴⁸⁸ AV1.27

⁴⁸⁹ AV1.61 paragraph 4.14

⁴⁹⁰ CD 5.15 paragraph 22

Prematurity

- 3.55 The additional 'reason for refusal', on the ground of prematurity, arrived in April 2013 after a Statement of Common Ground had been signed in which the issue was not raised.⁴⁹¹ The case has not changed since the appeal was lodged.
- 3.56 It is agreed that the level of consultation is material to considering whether or not a proposal was premature as illustrated by an appeal decision at Burgess Farm, Worsley: -
- The Secretary of State notes the Inspector's comments that residents see this proposal as an attempt to pre-empt the Core Strategy process and to bypass local consultation. He considers that the community have had an opportunity to express their views through the application and appeal process, as well as through the preparation of the Core Strategy'.⁴⁹²*
- In the case of Fleet Marston, that opportunity began in early 2009 when Barwood began consulting on the scheme;⁴⁹³ through to the July 2012 report to Committee, and also extensively through the previous Core Strategy process.
- 3.57 Further appeal decisions at Bishop's Cleeve illustrate the Secretary of State's desire to secure outcomes: -
- '..... allowing these appeals may be seen by objectors as undermining the local democratic process and the planning system. However the changes to the planning system that give communities more say over the scale, location and timing of developments in their areas carry with them the responsibility to ensure that local plans are prepared expeditiously to make provision for the future needs of their areas'.⁴⁹⁴*
- 3.58 The inescapable conclusion is that the Vale of Aylesbury Plan should be planning for at least 21,000 – 22,000 homes over the plan period. Accordingly, there is a fundamental gap between the planned provision and the full objectively assessed housing needs.
- 3.59 The plan records the projected supply to be delivered from existing commitments for the Aylesbury sub-market as 7,645 dwellings;⁴⁹⁵ which leaves a gap in provision in Aylesbury of some 6,000 homes. The Fleet Marston proposal would account for less than half of that and could not, therefore, be said to prejudice a plan that fails in the first place to allocate sufficient growth according to the need arising out of its own strategy.
- 3.60 It should be noted that the projected supply includes the delivery of homes from Land East of Aylesbury which received planning permission shortly before the close of the Inquiry on the basis of a concluded section 106 agreement which postpones a number of matters to a further agreement to be made.

⁴⁹¹ BL1.58 paragraph 4.1 2.a); CD 6.1

⁴⁹² CD 5.9 paragraph 24 (Secretary of State's decision)

⁴⁹³ BL/MT/5.2 Appendix A4

⁴⁹⁴ CD 5.8 paragraph 32

⁴⁹⁵ AV1.61 Table 2 (page 22)

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- 3.61 The site is acknowledged to be a difficult site; its allocation has been rejected by two previous Inspectors neither of whom was persuaded by the associated benefit of delivering part of the Eastern Link Road.⁴⁹⁶ The Council has not considered the commitment to that site to be premature, despite the inclusion of 2,450 dwellings, and the absence of a formally concluded planning permission before the submission of the Vale of Aylesbury Plan. The site should not therefore be regarded to be a commitment.
- 3.62 Moreover, since the resolution to grant planning permission there have been a number of material changes: -
- (a) the South East Plan has been abolished;
 - (b) the National Planning Policy Framework has been introduced; and
 - (c) the Council has chosen to adopt a much lower housing target than that in the South East Plan through the Vale of Aylesbury Plan process.
- 3.63 In short, the weight to be given to the Vale of Aylesbury Plan must be very limited.⁴⁹⁷ In terms of prematurity, as the concept of Fleet Marston was endorsed by the Core Strategy Inspector in 2010, it might be thought that the proposed scheme is now behind time. The consequence of abandoning the Core Strategy and re-starting the plan preparation process makes the Council no closer now to securing the level of housing growth required for this economically vibrant area.

The second preliminary main consideration: whether a financial contribution should be made towards the provision of premises, personnel and equipment sought by Thames Valley Police

- 3.64 The contributions requested by Thames Valley Police do not comply with regulation 122 of the Community Infrastructure Regulations 2010. Barwood relies on the case for the Consortium in so far as: -⁴⁹⁸
- (a) it has been demonstrated that population growth has been taken into consideration in setting the current police budget;
 - (b) there is no evidence of a shortfall in the budget;
 - (c) Thames Valley Police has not had to resort to borrowing;
 - (d) Thames Valley Police was unable to identify any project that could not be financed in the medium term budget; and
 - (e) the accounts do not suggest any funding gap.
- 3.65 In respect of the specific Fleet Marston request: -
- (a) it has not been shown whether the crime incidents recorded and used as baseline data related to the whole of the district or Thames Valley; whether the figures used were based on up-to-date data; and how those relate to a development which designs out crime;
 - (b) there was no explanation as to why three police community support officers would be required for Fleet Marston and only one for Hampden Fields;

⁴⁹⁶ CD 3.6; AV1.8

⁴⁹⁷ BL/MT/5.2 Appendix A4

⁴⁹⁸ at paragraphs 4.82 – 4.90 below

- (c) it is not apparent why it was considered sensible to police Fleet Marston from Waddesdon and Hampden Fields from Wendover, when Stoke Mandeville, which lies adjacent to Hampden Fields, is policed from Waddesdon; and
- (d) police cars are apparently required for the Police Community Support Officers attending Fleet Marston; but such officers would not be emergency response officers and they could access the site by bicycle.

3.66 None of the evidence shows that the requests made are necessary, directly related to the development in question, or fairly and reasonably related in scale and kind. Further, the difference in requests made for Fleet Marston and Hampden Fields reveal no underlying logic or consistency.

The first main consideration: the landscape and visual effects

The landscape context

- 3.67 Insofar as the Council relies on the suite of documents produced as part of the evidence base for the Core Strategy,⁴⁹⁹ to demonstrate its opposition to the proposed development, these reports have been subject to assessment and criticism (on behalf of Barwood) and the conclusion that they do not provide a sound or appropriate basis for assessing the landscape character of the site. The criticisms made have not been refuted.⁵⁰⁰
- 3.68 Moreover, the Core Strategy Inspector saw no case for excluding Fleet Marston (indeed he saw a positive case for bringing the site forward); he concluded *'the majority of the land is flat farmland of little visual interest'*.⁵⁰¹ It is clear that he was not convinced by the Council's case that as a matter of principle, Fleet Marston is inappropriate for large scale development. The characteristics of the site and the landscape have not, subsequently, changed in any material way.
- 3.69 The main criticisms of the evidence base prepared on behalf of the Council are:-⁵⁰²
- (a) the reports have not been subject to any public consultation; nor have they been adopted by the Council;
 - (b) Berryfields and Weedon Hill Major Development Areas were excluded from the study area which is crucial in understanding the relationship between the existing built areas of Aylesbury and Fleet Marston;⁵⁰³
 - (c) misuse of landscape characterisation approach;⁵⁰⁴
 - (d) lack of assessment of the *'value'* of the landscape to the people who live there;⁵⁰⁵
 - (e) the process relied on a scoring system which skewed the results and it was not supported by a known and tested methodology;⁵⁰⁶

⁴⁹⁹ AV1.14; AV 1.19; AV1.33; AV1.35; AV1.36; AV1.39

⁵⁰⁰ BL1.53

⁵⁰¹ AV1.8 paragraph 10

⁵⁰² BL/CB/1.1 paragraph 5.5

⁵⁰³ BL1.53 paragraph 2.31; BL/CB/1.2 (Photoviewpoints 1 & 2)

⁵⁰⁴ BL1.53 paragraphs 2.17 - 2.18

⁵⁰⁵ BL1.53 paragraphs 2.23 - 2.30, 4.7

⁵⁰⁶ BL1.53 paragraphs 2.8 – 2.14, 3.1 - 3.6, 4.3 - 4.6

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- (f) limited field work was employed to support the assessment process;⁵⁰⁷
 - (g) lack of clarity in the process particularly in respect of the subjective aspects of the assessment;⁵⁰⁸
 - (h) for visual issues, significant reliance is placed on a general measured visual envelope rather than a more specific analysis of where development may be visible from; and the subsequent ranking is inaccurate and unreliable;⁵⁰⁹
 - (i) The Potential Development Areas around Aylesbury - Landscape Impact Assessment⁵¹⁰ contains discrepancies between the text and the accompanying tables; and lacks clear explanation for many of the conclusions arrived at;
 - (j) there is no explanation for the choice of the viewpoint within the Area of Attractive Landscape and it being representative of an area which covers over 9,000 hectares;⁵¹¹
 - (k) Aylesbury Vale: Areas of Sensitive Landscape⁵¹² was prepared to consider the potential for applying a local landscape designation. The landscape characterisation process was misused in that study, because *'what is essentially a tool of landscape classification, leading to appropriate and area-specific guidelines for landscape management, has, by proxy, and without any refinement, become a vehicle for the comparison and ranking of areas in terms of the 'potential impacts of development'. This is neither appropriate, nor in accordance with current guidance'*;⁵¹³

3.70 The result of that misuse is a scoring process that invites comparison between intrinsically different areas which is neither informative nor sensible. It does not consider the sensitivity of the landscape specific to individual proposals unlike the Landscape and Visual Impact Assessment specific to Fleet Marston which considered the sensitivity of the particular landscape area in detail and concludes that sensitivity is low due to: -

- (a) intensive agricultural use;
- (b) the erosion and degradation of the historic field pattern through land management and developed features including the road and rail corridors and the presence of those detracting features in the landscape;
- (c) the extent of visual enclosure; and
- (d) the absence of a strong character, aesthetic or historic quality and lack of tranquility.

3.71 In a peer review of the Council's landscape evidence (for the Core Strategy Examination in Public) it was said: - *'the sensitivity analysis addresses inherent sensitivity rather than sensitivity to a specific type of change. This is not explicitly stated although the lack of specific change scenarios and the generic nature of supporting landscape guidance would appear to support this. The district scale (as might be expected) does not address sensitivity to residential development but inherent sensitivity to any change'*.⁵¹⁴

⁵⁰⁷ BL1.53 paragraph 4.8
⁵⁰⁸ BL1.53 paragraphs 4.16, 4.17, 4.19 - 4.20
⁵⁰⁹ BL1.53 paragraphs 5.1 - 5.12
⁵¹⁰ AV1.35
⁵¹¹ AV1.36 Appendix A (Viewpoint 3)
⁵¹² AV1.17
⁵¹³ BL1.53 paragraph 2.19
⁵¹⁴ AV/JB/1.1.11 page 2 (seventh bullet)

3.72 That chimes with the appellant's critique: -⁵¹⁵

'Scoring is a fraught process anyway, and there is much that is methodologically to be challenged in the approach used. But that is not the point.

Landscape sensitivity is not, on its own, a good indicator of the capacity of a given landscape to absorb major development, nor is it a proxy for assessing the impact of that development.

In fact it can be a very bad indicator, because it misses out a fundamental point, namely that landscapes which are not in good 'condition', and/or which are not very sensitive to change, can often be the most important landscapes – most valued by people who live in the communities nearby'.

3.73 It is of note, at the appeal concerning land at Quarrendon Fields,⁵¹⁶ the Council itself was critical of the evidence base for the Core Strategy which it had itself commissioned: -

'AVDC commissioned a Visual Impact Assessment and a Landscape Impact Assessment to inform strategic decisions on the location of future growth at Aylesbury. This amalgamated potential development sites together into four growth options with the appeal site being part of the growth arc to the north of the town. This scored highest in terms of potential for landscape and visual impact although when the scores were disaggregated the development site of which the appeal land formed a part fared significantly better. AVDC was critical of some elements of these assessments and suggested that the impacts in relation to this development site were under played. Whether or not that is the case it is important to recognise that this was a comparative exercise for the purpose of strategic decision making whereby the merits of different growth options were being tested relative to each other. It thus has limited value in the present case where it is necessary to consider the specific development proposal and the significance of the landscape and visual impacts that would ensue'.

3.74 However, Quarrendon Fields is a very different site to Fleet Marston and the site specific assessment in that decision has no material bearing on the appeal proposal. The history of the landscape is different with the former site, notably forming part of the setting to a Scheduled Ancient Monument, which increases the sensitivity of this part of the landscape to change.⁵¹⁷

3.75 Furthermore, the conclusion that the development of Quarrendon Fields would result in a significant adverse impact on landscape character, notwithstanding mitigation, was based partly on the facts that containment within the Thame Basin was a matter of importance and, as part of the proposal, a significant number of houses would spill over the top of the ridge and occupy the north-western slopes of the main ridge running through the appeal site. By contrast the Fleet Marston site occupies the vale floor.⁵¹⁸

3.76 The peer review (referred to above), on which the Council seeks to rely to support its current case, reached the conclusion that: - *'The classification, description and overall judgments appear to be sound'.*

⁵¹⁵ BL1.53 Executive Summary

⁵¹⁶ CD 5.1 paragraph 349 (Inspector's Report)

⁵¹⁷ CD 5.1 paragraph 342 (Inspector's Report)

⁵¹⁸ CD 5.1 paragraph 344 (Inspector's Report)

3.77 However, the Council accepts that: -

- (a) the review was based on only a one day desk review;
- (b) there was no related field survey undertaken and so, insofar as any judgment of any feature or character on the ground was concerned, the reviewer was not in a position to deal with it;
- (c) the reviewer criticised the lack of consideration in respect of perceptual aspects of the landscape and promoted on site work for a site specific assessment; and
- (d) the review notes that judgments in the studies on behalf of the Council were reached without reference to the presence of Berryfields; attention was drawn to the limitations of the matrix approach within the work being reviewed; and, in relation to Landscape Character Area 1, site work was needed to confirm the elements within the area which would have a high sensitivity to large scale residential development.

3.78 The Council also seeks to rely on the Aylesbury Vale District Local Plan Inspector's Report⁵¹⁹ but this predates the Council's work referred to above and the appellant's ensuing critical assessment. Moreover, at that time there was no commitment to the development of Berryfields; Aylesbury Vale Parkway railway station did not exist; and there was no hint of HS2. The potential impact of Fleet Marston was considered without knowledge of the material change the Berryfields development would subsequently bring by 'jumping' the river: -

'A number of objectors have suggested that between the A413 and A41(T) the River Thames should be maintained as the northern boundary of the town, and that development should not be permitted beyond this recognisable physical feature. However, in my view the River does not form a sufficiently strong feature itself to visually define the edge of this part of the town. Rather it is the fact that this area is prone to flood that has effectively prevented development extending up to and beyond the River in the past. Furthermore, it cannot be argued that the River forms an historic boundary, given that development immediately to the south is less than 40 years old'.⁵²⁰

3.79 Given the above conclusion, that the river could not be considered a sufficiently strong feature to define the edge of Aylesbury, it follows that the same must be true of the railway bridge across the A41, at the southern end of the Fleet Marston site.

3.80 In summary, no support can be drawn by the Council from the Local Plan Inspector's Report. Moreover, the later landscape evidence base prepared for the Core Strategy is unreliable and it should be approached with caution. Significantly, it fails to properly understand the appropriateness of Fleet Marston as a potential area for large scale housing growth and the lack of credible constraints to development there.

⁵¹⁹ CD 3.5

⁵²⁰ CD 3.5 paragraph 5.20.35

Site specific assessment

- 3.81 It is common ground that *'development of green fields outside of the settlement will result in change to the local character and views'; and that 'change in the landscape in itself does not necessarily equate to harm'*.⁵²¹
- 3.82 In terms of Fleet Marston, it is important to note the key differences between the site and the wider Northern Vale (which was not apparent in the Council's landscape evidence base for the Core Strategy): -⁵²²
- (a) a gently undulating landform at Fleet Marston as opposed to being virtually flat;
 - (b) engineered, straight drainage ditches as opposed to meandering streams;
 - (c) severance of the wider characteristic open field pattern by intensive agricultural use, the railway line and A41 which disrupt the sense of openness and field pattern; and
 - (d) lack of recreation and amenity landscape at Fleet Marston.
- 3.83 Further detractors which create an urbanised context and impact on tranquility include: -⁵²³
- (a) Berryfields Major Development Area;
 - (b) Aylesbury Vale Parkway station;
 - (c) road and rail traffic;
 - (d) pylon lines;
 - (e) industrial development; and
 - (f) the potential future urbanising effect of HS2.
- 3.84 In essence, Fleet Marston is a functional, degraded and intensively managed agricultural landscape which underpins the judgment (in the Landscape and Visual Impact Assessment) as *'ordinary'*.⁵²⁴ Furthermore, it is considered that the landscape is one without a strong character, aesthetic or historic quality and cultural associations are limited in terms of their visual contribution to the landscape.
- 3.85 The assessment fairly describes the condition of the landscape as *'poor'* for the following reasons: -⁵²⁵
- (a) overall, the landscape of the Northern Vale and, within it, the landscape of the Fleet Marston site, has been changed steadily by agricultural intensification that has led over many years to loss of settlement, loss of hedgerows and tree cover and the rationalisation of streams;
 - (b) its aesthetic qualities and sense of place are now shaped fundamentally by functional interventions, and are, as a result, neither strong nor distinctive;
 - (c) the aesthetic of the landscape reflects its value as an agricultural resource, rather than any attributes of naturalness or scenic quality;

⁵²¹ CD 6.1A paragraph 6.23

⁵²² BL/CB/1.1 paragraph 2.27

⁵²³ BL/CB/1.2 (Photoviewpoints 1 & 2)

⁵²⁴ BL1.14 paragraph 12.3.23

⁵²⁵ BL1.14 paragraphs 12.3.17 - 12.3.19

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- (d) while the landscape is not 'damaged' or 'degraded' in any conventional sense of those words, it has been diminished by the changes brought about by increased agricultural intensification such that visual interest and biodiversity have suffered; and
- (e) the Fleet Marston site in particular, is a landscape that is in poor condition having lost most of the few features of interest which it ever possessed.
- 3.86 There is also limited visibility of the site from within the vale as a result of the landscape form, the presence of trees and hedgerows, the midvale ridges and hills, and from the outlying settlements to the north views are few and from far away. The Council acknowledges that the area of landscape in which the Fleet Marston site sits contrasts distinctly with the adjacent hilly character areas.⁵²⁶
- 3.87 The site is clearly framed by urbanising features; the railway, the station and the Berryfields Major Development Area to the east, the prospect of HS2 to the west, and the A41 – a major route - running through it. It is anything but remote, particularly with the completion of Berryfields which lessens any sense of isolation that may have been attached to Fleet Marston in the absence of that development. There is no doubt that far from being isolated, development at Fleet Marston would be experienced as the Core Strategy Inspector anticipated, and as the Taylor Review would promote as appropriate: - 'a bead of development along a major route, separated by green wedges of countryside and open space'.⁵²⁷
- 3.88 The project has been deliberately conceived to achieve a balance of built form and open space, and varying densities and building heights, with diverse character, designed to be interesting and attractive, both in the approach to Aylesbury and in moving through the development. Different densities are proposed in order to create different places and would be higher at principal and local centres.⁵²⁸
- 3.89 Further, 'employment uses are moved away from the western edge, allowing lower density residential development to create a smoother transition between higher density commercial development and open countryside, when travelling along the A41'.⁵²⁹ That design approach is intended to lead to the creation of interesting visual and distinct neighbourhoods set in a green context as opposed to the creation of an amorphous urban mass.
- 3.90 The Council's criticism of the Fleet Marston Landscape and Visual Impact Assessment (as unclear and not sufficiently transparent)⁵³⁰ has to be considered in context: -
- (a) the Council has not undertaken any assessment of its own;

⁵²⁶ AV/JB/1.1 paragraph 348: - 'Whilst it is true that this area of landscape contrasts distinctly with the adjacent hilly character areas, it is the intrinsic openness, lack of settlement, large scale landscape patterns, sense of isolation, deserted medieval settlements, Fleet Marston Church etc that give the Northern Vale its distinct landscape character.'

⁵²⁷ AV1.8 paragraph 10

⁵²⁸ BL1.13 pages 94 - 109; BL1.23 page 34

⁵²⁹ BL1.23 page 10

⁵³⁰ AV/JB/1.1 paragraph 522

- (b) there is no outstanding request from the Council for any information in respect of landscape assessment or suggestion that the information supplied was insufficient;
 - (c) the Council has not sought further landscape evidence for the purposes of assessing the scheme or its environmental impact; and
 - (d) the Council has not sought to challenge the assessment's methodology.
- 3.91 The Council's approach has been to set out professional judgments in a proof of evidence which lacks any clearly defined methodology for reaching those judgments that could be considered transparent or reproducible contrary to published guidelines.⁵³¹ As such there is nothing that can be critically tested and little weight attaches to the conclusions reached.
- 3.92 Moreover, the Council, contrary to published guidance, has sought to rely on the use of a new viewpoint arising from a Zone of Theoretical Visibility mapping exercise, which by its nature fails to take account of vegetation and engineered or built features.⁵³²
- 3.93 The examination of three viewpoints demonstrates the differences in viewpoint comparison between work undertaken on behalf of the Council (for the Core Strategy) and the appellant's assessment and the shortcomings of the former: -⁵³³
- (a) Viewpoint 3: from the Area of Attractive Landscape;
 - (b) Viewpoint 7: from the public right of way at Fleet Marston; and
 - (c) Viewpoint 8: from the Midshires Way.
- 3.94 In terms of the view from the Midshires Way the difference is between '*substantial adverse*' and '*slight adverse*'; which results from the Council relying on a viewpoint where the viewer is removed from the public footpath to gain an uncharacteristic view through a gap in the hedgerow. The assessment of other views is similarly not accurately representative of receptors at the viewpoint locations.
- 3.95 Overall, the Council has mischaracterised the appellant's case in saying that the Landscape and Visual Impact Assessment relies on Fleet Marston being seen against the backdrop of Aylesbury; but that is not the case. The proposed scheme will relate well to Berryfields and it is clear (by reference to visualisations from the road near Pitchcott Hill, the footpath East of Coney Hill Farm and from the Midshires Way) that the landscape could successfully accommodate the development.⁵³⁴
- 3.96 As to night-time views, the site is already seen in the context of a number of illuminating features, not least Berryfields, and it nestles in the glow of Aylesbury.

⁵³¹ CD 7.13 paragraph 2.33

⁵³² CD 7.13 paragraph 7.31; AV/JB/1.1.5

⁵³³ BL/CB/1.5

⁵³⁴ HF/4.2 Appendix 14

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- 3.97 Finally, and returning to HS2, the Landscape and Visual Impact Assessment tested the effects of the appeal proposal against an '*unchanged*' landscape as it is currently experienced. The implementation of HS2 would provide a different baseline and Fleet Marston would be seen with the resulting further urbanisation, visual prominence of associated structures and containment provided by the new railway and its engineered corridor.
- 3.98 Although it has been suggested that a solid noise mitigation barrier is likely to be required, the detailed design of the high speed route is yet to be determined. However, in terms of landscape effects, HS2 could only further desensitise the landscape by adding another urbanising feature to the perimeter of the site; and if the A41 is to be raised over the line, the resultant elevated view, for those travelling along the road in the direction of Aylesbury, would be of a very well designed development.
- 3.99 In summary, site specific assessment demonstrates the acceptability of this location for the growth proposed. It also confirms the views of Barwood's own consultants, those of the Core Strategy Inspector, and the initial recommendation of the Council's officers (when weighed against other material considerations). It can be concluded that there is no sustainable landscape objection to Fleet Marston.⁵³⁵

Planning policy

Aylesbury Vale District Local Plan Policy RA.8 - Development in the Areas of Attractive Landscape and Local Landscape Areas

- 3.100 The late introduction⁵³⁶ of alleged conflict with Policy RA.8 arises as the result of a small part of the site falling within the locally designated Brill-Winchendon Area of Attractive Landscape (designated in 1979) amounting to just 0.06% of the overall designated area (which covers some 9,400 hectares in total). No weight should be given to the designation or any conflict with it because: -
- (a) the designations are out of date and '*not derived from an objective and recorded study and thus do not meet the requirements of former Planning Policy Statement 7 (PPS7) which discourages but does not preclude the use of local landscape designations*';⁵³⁷
 - (b) there is no objective assessment with regard to the Area of Attractive Landscape and its boundaries;⁵³⁸
 - (c) none of the Council's appointed work attributes any weight to the designation;⁵³⁹
 - (d) the policy does not accord with paragraph 113 of the National Planning Policy Framework which encourages local planning authorities to set criteria based policies against which proposals for any development on or affecting landscape areas will be judged;

⁵³⁵ BL1.38 paragraph 10.100

⁵³⁶ BL1.95 paragraphs 107 - 108

⁵³⁷ AV.1.17 page 3

⁵³⁸ It was conceded that paragraph 59 of AV/JB/1.1R (which assumes a coincidence with the Landscape Character Area) is incorrect

⁵³⁹ AV1.17; & AV/JB/1.1.11

- (e) settlements within and immediately abutting the designated area, including formal sports provision, are already features in the landscape which are acceptable components of the Area of Attractive Landscape;
- (f) the designated area is so large, and the portion affected so small, there would be no material impact; and
- (g) there is no indication in the appeal decisions cited by the Council in support of its position on the Area of Attractive Landscape that evidence was presented about the lack of objective analysis to that Inquiry.⁵⁴⁰

3.101 Although long distance panoramic views are a key characteristic from the designated area, these would remain if the Fleet Marston scheme were to be built. Whilst it is accepted that from Viewpoint 3 there would be a moderate adverse impact, it is important to note that the majority of the Area of Attractive Landscape would not be affected by the proposal.⁵⁴¹

Aylesbury Vale District Local Plan Policy GP.35 - Design of new development proposals

3.102 Policy GP.35 primarily addresses the design of development (in part of the plan which deals with materials and design details); it is not a landscape protection policy.⁵⁴² It has been appropriately considered in the Landscape and Visual Impact Assessment and within the Design and Access Statement.

Aylesbury Vale District Local Plan Policy RA.2 - Coalescence of Settlements

3.103 This policy aims to protect areas which have a value to the communities around them. In the case of Fleet Marston there are few villages close by, and no apparent community value attaches to the land. The proposal would thus accord with the Taylor Review⁵⁴³ (by not taking land which is valued the most by local communities) and, by designing and placing the development away from existing development, negative landscape and visual effects would be avoided.⁵⁴⁴ That is why the appellant is content for the development to be judged in landscape terms at year one before further mitigation is accomplished by planting.

3.104 As matters stand, the site benefits from the urbanised context that surrounds and frames it provided by Berryfields; the railway line and station; the A41; and potentially HS2; and it is also sufficiently separate from other built development.

Conclusion

3.105 Throughout the planning process Barwood has been fully engaged in the development plan process; it has demonstrated a collaborative, responsible and inclusive approach to the preparation and amendment of its planning applications. The project has been endorsed by each professional assessor including the Core Strategy Inspector, CABE and the Council's experienced officer team; and objections, now, on landscape grounds runs counter to previously expressed assessments.

⁵⁴⁰ AV/JB/1.1R paragraph 62

⁵⁴¹ AV1.36 Appendix A

⁵⁴² BL/CB/1.1 paragraph 3.19

⁵⁴³ BL1.55

⁵⁴⁴ CD 7.13 paragraph 5.8

- 3.106 Importantly, Fleet Marston would not result in coalescence and the site lies further from the Chilterns Area of Outstanding Natural Beauty than any other option for Aylesbury's expansion. The landscape at Fleet Marston is capable of accommodating the development and it would deliver the following benefits in landscape terms: -⁵⁴⁵
- (a) the retention and enhancement of existing trees and areas of linear woodland blocks particularly associated with the A41 and railway corridor;
 - (b) management of the stream and a multifunctional space for the benefit of the community;
 - (c) reintroduction of trees and hedgerows in a form and pattern appropriate to the Northern Vale; and
 - (d) the use of historic field boundaries to define different parts of the development and determining the location and form of new planting to enable distinctive character areas or be created.
- 3.107 Overall, Fleet Marston offers the opportunity for a sustainable and distinctive urban extension to Aylesbury.

The second main consideration: the effect of the proposed development on heritage assets

Fleet Marston village

- 3.108 Fleet Marston is a shrunken and almost deserted medieval village; the settlement was abandoned in the late Middle Ages to make way for sheep grazing, and later cattle, leaving only the church and a few scattered houses. The church continued in use as a parish church even after the settlement was later abandoned. It was built in the Norman period, and has alterations of the later middle ages and Victorian periods.⁵⁴⁶
- 3.109 Today, Saint Mary's church stands on a small hill, surrounded by its churchyard, in a field. It makes relatively little impact on the surrounding landscape; it is small and has no spire to dominate views; and the trees around the churchyard boundary and hedges screen it from view, especially in the summer. It is surrounded by cultivated land with no public footpaths in the immediate vicinity. The views out from the church are currently rural, but that to the east is changing significantly as the Berryfields development is built; the A41 is another intrusive feature.⁵⁴⁷
- 3.110 The current setting of the church is not representative of its origins as a parish church serving a village; and the setting is the product of agricultural change beginning in the fifteenth or early sixteenth century. The consequence of enclosure and the conversion from arable to a pastoral economy was that there was little need for a large population to work the fields and so the village contracted. More recent field amalgamation and loss of hedges has been a further element of change.⁵⁴⁸

⁵⁴⁵ BL/CB/1.1 paragraph 2.29

⁵⁴⁶ BL/CM/3.2 page 0012 (paragraphs 1 - 3)

⁵⁴⁷ BL/CM/3.2 Appendix 2 (page 0012; paragraphs 4 - 8)

⁵⁴⁸ BL/CM/3.2 Appendix 2 (pages 0012 - 0014; paragraphs 9 - 19)

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- 3.111 The creation of a new village around the church would restore its ancient character, as a church within a settlement; and the change to the landscape would be part of the ongoing process of landscape change.⁵⁴⁹
- 3.112 The revisions to the masterplan flow from additional survey work and the discovery of the line of an historic ditch which has been used to identify the street structure and space within which the church would sit. It has resulted in the creation of an enlarged green space around Saint Mary's in order to enhance the status of the church; and the arrangement of the proposed street pattern and new buildings would allow framed views out and in towards the church.⁵⁵⁰

The church of Saint Mary

- 3.113 The church dates back to the late eleventh or early twelfth century; and it was built to serve a defined geographical area (its parish). It has historical significance as the location where John Wesley, founder of Methodism, preached his first sermon in 1725; but the pulpit from which he preached has disappeared. The church is listed grade II*.
- 3.114 Saint Mary's was declared redundant in 1972, and vested in the Churches Conservation Trust in 1973, but it remains consecrated.⁵⁵¹ It is charming and ancient but it is not architecturally outstanding. It is a small building, comprising only a chancel, nave with a bellcot and a porch over the north door. There is no tower or spire, nor does the church have aisles, transepts or chapels projecting from the nave or chapel.⁵⁵²
- 3.115 English Heritage's *Conservation Principles (2008)* sets out four categories for assessing the significance of a historic building. The church has *evidential value* as a tangible memorial of the village it once served. Its *historical value* lies in its structure, although some of the early features have been lost as a result of successive renovations. It also has historical value as a parish church as parishes were a fundamental part of the religious and social history of medieval and early modern England.⁵⁵³
- 3.116 The church has *aesthetic value* as a charming example of a small, English country church; but it lacks elaborate or high quality detailing or fine furnishings. Perhaps more importantly, it has *communal value* in that it has served as a place of Christian worship for almost one thousand years and it would be capable of being re-used in this way again.⁵⁵⁴

The relationship of the urban extension with the church

- 3.117 The addendum masterplan provides a more generous and open spatial setting than was shown in the original scheme and it takes full account of the need to preserve or record archaeological features of interest and to provide a scheme of interpretation. Although one element of the historical value of the church would be eroded, by the changes to its current

⁵⁴⁹ BL/CM/3.2 Appendix 2 (page 0014; paragraphs 20 - 21)

⁵⁵⁰ BL1.23 pages 15 - 19

⁵⁵¹ BL/CM/3.2 Appendix 2 (pages 0014 - 0015; paragraphs 22 - 29)

⁵⁵² BL/CM/3.2 Appendix 2 (page 0015; paragraphs 30 - 34)

⁵⁵³ BL/CM/3.2 Appendix 2 (page 0016; paragraphs 41 - 43)

⁵⁵⁴ BL/CM/3.2 Appendix 2 (pages 0016 - 0018; paragraphs 44 - 59)

relatively isolated position, it would still be possible to appreciate the historical process of depopulation as a result of the clear distinction between the age of the church, without other contemporary buildings, and the nature of the proposed new development.⁵⁵⁵

- 3.118 It is accepted by the Council that development at Fleet Marston would cause *'less than substantial harm'* to Saint Mary's church.⁵⁵⁶ This view was reached after English Heritage had taken the proposal through its Important Application Review process (peer review), and which considered that *'the main significance lay in the architecture of the structure itself as a medieval building rather than in its deserted location, and so the harm to the significance was less than substantial'*.⁵⁵⁷
- 3.119 In such circumstances, the harm is to be weighed against the public benefits of the proposal, including securing the optimum viable use of the asset in accordance with paragraph 134 of the National Planning Policy Framework.
- 3.120 The benefits of the Fleet Marston scheme would be: -⁵⁵⁸
- (a) the (re)creation of a community around a building built to serve a communal purpose;
 - (b) a permanent acknowledgment of the communal and symbolic value of the building;
 - (c) the realisation of the building's community potential, bringing about the circumstances by which its steward, the Churches Conservation Trust, can realise greater community use through regular worship, religious ceremonies and other means;
 - (d) the opportunity for interpretation of the building, its history, and the surrounding land;
 - (e) a permanent solution for the management of the church's newly defined wider setting; and
 - (f) most importantly, the re-enforcement of the core values constituting the church's significance, its community identity and the symbolic value consequent on that significance.
- 3.121 However, the Council has subsequently changed its position by expressing concern that greater use of the church might pose a threat to its long term preservation, despite recognising earlier that: -⁵⁵⁹
- (a) *'the church has been used as a key design feature within the proposed development'*;
 - (b) *'the proposed development represents a substantial improvement over the original scheme, and better reflects the underlying archaeology of the site'*; and
 - (c) *'a viable long term use for the building would be to its advantage'*.

⁵⁵⁵ BL/CM/3.2 Appendix 3 (pages 0051 - 0055; paragraphs i - xxx)

⁵⁵⁶ BL/CM/3.2 Appendix 6 (page 0108)

⁵⁵⁷ HL1.19; BL1.89

⁵⁵⁸ BL/CM/3.1 Appendices 3 & 6

⁵⁵⁹ BL/CM/3.2 Appendix 6 (page 0110)

- 3.122 The vision to put the church back at the heart of a new community is one shared with the Churches Conservation Trust and one which has gained their in principle support;⁵⁶⁰ acknowledging that long term conservation can be achieved through regular use. The Trust also signed a Memorandum of Agreement,⁵⁶¹ in October 2013, confirming the intention of working with Barwood '*for the purpose of preserving in the interests of the nation and the Church of England the closed church of Fleet Marston St Mary*'. It is clear that the Trust endorses the appellant's vision for the church.
- 3.123 The Aylesbury Vale Historic Environment Assessment (2006) confirms that the Northern Vale Character Area would be highly sensitive to change and any development would have a large-scale impact upon the historic environment of the area.⁵⁶² However, the report, in considering the sustainability and sensitivity of long term growth options, indicates that development in the Northern Vale would have a minor impact on Saint Mary's church and recognises the potential positive benefit of bringing the church back into public use.⁵⁶³
- 3.124 The report merits only limited weight as a basis for understanding the historic environment impacts because: -⁵⁶⁴
- (a) the Northern Vale is a large landscape analysis unit where association between different parts is questionable; and
 - (b) the '*highly sensitive to change*' assessment is largely as the result of the Scheduled Ancient Monument at Quarrendon Fields which is separated from Fleet Marston by the railway and Berryfields – the appeal site does not sit comfortably in the same character area and does not share the same features (for example, the early field enclosures which have changed at Fleet Marston as a result of the railway and the road).
- 3.125 Moreover, the report characterises the church as '*the only tangible remains of the settlement*';⁵⁶⁵ and Buckinghamshire County Council's consultation response confirms: -
- 'There is a delicate judgment to be made here. On the one hand does the church's heritage significance rest so heavily on its isolation (illustrating the historical process of post-medieval settlement depopulation in the Vale of Aylesbury) that the loss of this isolation would amount to substantial harm? The applicant does not dispute there would be 'less than substantial harm'; the process of desertion is best exemplified where an isolated building or ruined church lies amidst the visible earthwork remains of abandoned houses and streets as at nearby Quarrendon. At Fleet Marston the fact of the church's isolation is evident but the reason for that situation is not as there are no extant earthworks around it.'*⁵⁶⁶

⁵⁶⁰ BL/CM/3.2 Appendix 5 (page 0090)

⁵⁶¹ BL1.93 Introduction (C)

⁵⁶² AV1.32 page 17

⁵⁶³ AV1.32 table 2 (page 15)

⁵⁶⁴ BL/CM/1.1 paragraph 4.11

⁵⁶⁵ AV/EH/4.1 paragraph 23

⁵⁶⁶ BL/CM/3.2 Appendix 8 (page 0128)

- 3.126 Consequently, and drawing upon the distinction with the ruins at Quarrendon, the County Council agreed with Barwood's assessment that, while there would be harm to a specific aspect of the church's significance, it would be less than substantial harm. Furthermore, the benefit of the church's return to community use was recognised.
- 3.127 The reliance of the District Council's evidence on the Aylesbury Vale Landscape Character Assessment (prepared for the Core Strategy) has to be considered in the context of the appellant's criticism and the conclusion of the Core Strategy Inspector that: - ⁵⁶⁷
- '..... While the Fleet Marston proposal would affect the setting of the church and to a lesser extent the farmhouse, adequate thought to the landscape structure of the development and the potential re-use of the church could protect the integrity of these heritage assets in compliance with PPS5'*
- 3.128 In terms of the communal value of the church, it is Barwood's case that the church has significant communal value as a consecrated building whether or not it is in regular use, but that the proposal would greatly enhance the building's communal value by incorporating it into the centre of a new community and allowing greater access so that people might properly appreciate the building in a way that few presently do.
- 3.129 The removal of the church from its agricultural setting should be seen in that context - providing the church with a new setting of a kind (i.e. as part of a community, albeit of a different scale) it would have enjoyed in the past and the concomitant communal value that brings with it. The Council shares the view that *'finding a suitable long term use for the building will be of benefit to the building, and might increase its communal value'* albeit *'no firm proposals have been put forward'* ⁵⁶⁸
- 3.130 Nonetheless, it would be easy to envisage a number of compatible community uses for a building such as Saint Mary's church, and the Churches Conservation Trust has demonstrated a range of exciting and unusual uses that historic buildings in their care have been put to, including use as multi-purpose spaces for community use, libraries and post offices. ⁵⁶⁹
- 3.131 Barwood proposes to put the church back at the heart of the community and give back to it the purpose for which it was originally constructed. Fleet Marston has been described elsewhere as a place in waiting, and Saint Mary's is a church waiting for a community to serve.
- 3.132 The proposals aim to enhance and preserve the building and its significance by securing its optimum viable use and whatever involvement John Wesley may have had with the church, there could be no better testament to his ministry than bringing it back into regular use. Indeed, the association with Wesley most certainly does not depend on the church remaining deserted as there would have been a community surrounding the church when he visited.

⁵⁶⁷ BL1.53; AV1.8

⁵⁶⁸ AV/EH/4.1 Table 3 (page 29)

⁵⁶⁹ BL1.88

- 3.133 The appellant has constructively engaged with stakeholders in developing the proposals and has embraced all relevant conservation bodies and, most importantly, the Churches Conservation Trust who are responsible for the care of the church. The proposals would provide for the long term care and maintenance of the building as the Trust would hope.⁵⁷⁰ It is inconceivable that a church, so beautiful, standing on the intersection of roads, and so inviting and of such modest scale would not come to be used regularly for worship and more regularly by the surrounding community.
- 3.134 Draft heritage conditions (numbered 23 to 25) would guarantee its repair, renovation, and long term maintenance.⁵⁷¹ This would be secured by a scheme of works to be approved by the Council before the commencement of the phase of development within which Saint Mary's is located. The maintenance plan for the church would also need to be submitted and approved by the authority before occupation of 50% of the dwellings in that phase.
- 3.135 Consistent with Barwood's vision for the church, the conditions envisage the continuing use of Saint Mary's as a place of worship which would represent its optimal use. The Council's concern about the ability to achieve greater community use has to be considered in the context of the wide powers given to the Churches Conservation Trust which include permitting the use of a property for other uses.⁵⁷² Moreover section 68 of the Mission and Pastoral Measure 2011 allows churches to function in a variety of ways as well as places of worship.⁵⁷³
- 3.136 The Council has demonstrated a reluctance to embrace a vision for a vibrant and relevant future for the church, preferring to keep it isolated and exclusive to the small number of people who visit each year. The authority also complains that the conditions proposed are inadequate.
- 3.137 The matter of a Grampian condition was addressed during the course of the Inquiry culminating in a written note from the Inspector: -⁵⁷⁴
- '4. *It is argued that the Grampian conditions as proposed would be lawful and in accordance with the Secretary of State's policy. The argument is advanced, inter alia, on the basis that the Churches Conservation Trust 'have not said' that they would not, in essence, 'cooperate' with the intention of the condition.*
5. *However, there is nothing to show that the Trust, or any other relevant party, has been consulted on the draft conditions; and the documented⁵⁷⁵ 'support in principle' for the scheme does not appear to relate to any of the measures anticipated by the conditions. The absence of clear evidence of the Trust's current position, in direct response to the conditions sought, is material to the consideration of the 'no prospect test'.*
- 3.138 Since then, Barwood has signed a Memorandum of Agreement with the Churches Conservation Trust in which both parties agree that: -⁵⁷⁶

⁵⁷⁰ CCT/1

⁵⁷¹ BL1.81 (numbered 19 – 21); Annex D(i) to this Report (numbered 23 – 25)

⁵⁷² BL1.90 paragraph 5 & Appendix 1

⁵⁷³ BL1.90 paragraph 6 & Appendix 2

⁵⁷⁴ BL1.88; BL1.90; AV1.139; X5

⁵⁷⁵ BL/CM/3.2 Appendix 5 is dated 24 April 2009

⁵⁷⁶ BL1.93

'During the term of this Memorandum the parties will negotiate in good faith formal legal agreements with each other ('the Final Agreements') in time for signature by BL and CCT and, if any, the developer and the estates managers of the Development'.

- 3.139 The Memorandum is intended to be legally binding and to create contractual obligations between the parties; and the agreed principles to be included in the Final Agreements include: -
- (i) Barwood will, within two years of the commencement of the construction of the phase of development within which Saint Mary's is located, provide a village green, dedicated access at all times for all purposes to and from the church;
 - (ii) Barwood will pay £30,000 in unrestricted funds towards costs which have been incurred by the trust to date in putting the church into reasonable repair;
 - (iii) Barwood will pay £70,000 towards the cost of any repairs needed at the church at the time of the commencement of the aforementioned phase of the development and any repairs needed subsequently, the specification and range of which would be entirely a matter for the Trust;
 - (iv) Barwood will pay the cost of any agreed improvement works to the church within 10 years of the commencement of the development phase in which the church is located (including any application costs); and
 - (v) initial availability of the church will be in accordance with the Trust's published policies, including community use.
- 3.140 Accordingly, the in principle support expressed by the Trust has translated into a position where it is fully aware of all that is on offer and it has expressed its continuing and enthusiastic support for the proposal by agreeing to be legally bound by the Memorandum of Agreement.
- 3.141 It is clear therefore that the draft conditions are appropriate in underpinning a proposal which sets out to maintain the church's historical significance as a work of medieval architecture; and most of its cultural values would be maintained and enhanced through greater public appreciation and use.⁵⁷⁷
- 3.142 The church's intrinsic aesthetic interest would also be maintained and again, with the prospect of better appreciation, assisting in long term conservation. The evidential value would also be enhanced through a scheme of interpretation as anticipated by proposed condition 23.⁵⁷⁸

The third main consideration: the sustainability of the proposed urban extension in terms of highways and transportation

Bus services and the planning obligation

- 3.143 The transport arrangements proposed at Fleet Marston are the result of a careful and thorough exercise which has generated extensive modeling, consultation and review between the appellant, Buckinghamshire County Council and Aylesbury Vale District Council.⁵⁷⁹ The aim has been to *'find*

⁵⁷⁷ BL/CM/3.1 paragraph 6.3

⁵⁷⁸ BL/CM/3.1 paragraphs 6.4 - 6.5

⁵⁷⁹ BL/CR/4.1 paragraphs 2.1.3 - 2.1.29; BL1.67; BL1.68

solutions⁵⁸⁰ which is encouraged in Manual For Streets 2 under the heading 'Emphasising a collaborative approach': -⁵⁸¹

'Many busy streets and rural highways require a 'non-standard' approach to respond to context and this can be achieved by working as a multidisciplinary team and by looking at and researching other similar places that work well. It is important to include all skill sets required to meet scheme objectives'.

- 3.144 The proposal would be a highly sustainable and accessible development which, by design, would deliver sustainable access to schools, local employment, retail, and community and recreational land uses in close proximity to residents. As a result, some 41.3% of trips would take place within the development itself.⁵⁸²
- 3.145 In terms of effects on the highways network, in and around Aylesbury, it is common ground that Fleet Marston, when assessed cumulatively with the schemes at Hampden Fields and/or Weedon Hill would have no material additional impact.⁵⁸³
- 3.146 As to the individual impacts of Fleet Marston it is agreed that: -⁵⁸⁴
- 'BCC raises no objection to the appeal site proposals on highway and transportation grounds subject to all necessary highway works and contributions to highway and transportation infrastructure being secured and provided at the appropriate time through a S106 planning obligation agreement or conditions as appropriate'.*
- 3.147 However, the District Council has sought to find problems where there are none, and has attempted to question matters which have previously been determined in favour of the scheme. In this regard, it raises concerns over accessibility despite the confirmed sustainability credentials of the project and the absence of objection by the County Council on any transport related grounds.
- 3.148 Indeed, throughout the course of the Fleet Marston application, until the Inquiry, it was understood that it was agreed that the transport solutions proposed were safe and appropriate, and that the development was accessible and sustainable. This reflects the views of the Core Strategy Inspector's Interim Report: -⁵⁸⁵

'The Fleet Marston (FM) site has the advantage of better access to the Parkway rail station and the proposed East-West rail route. The FM site also benefits from a wider, better Primary Public Transport Corridor (PPTC) than the A418 route through Bierton or what could be provided along Buckingham Road (A413). I acknowledge that its distance from (the) town centre is a disadvantage, particularly for pedestrians, but by cycle it is a reasonably flat route, with possibilities for improvement'.

580 CD 4.1 paragraph 187

581 CD 7.20 paragraph 1.2.1

582 BL/CR/4.1 paragraph 3.3.5 (A figure of 31.3% was requested by BCC to be used as a without prejudice sensitivity test for the purposes of the 2012 Transport Assessment Addendum)

583 CD 6.16

584 CD 6.2 paragraph 3.11

585 AV1.8 paragraph 8

3.149 Similarly, the July 2012 Report to Committee states: - ⁵⁸⁶

'The County Council consider that there is insufficient⁵⁸⁷ evidence to be able to robustly and conclusively demonstrate that the impact of the proposals will be severe There are detailed comments in relation to the highways and transportation elements of the application' including: - 'Cycling and Walking - A41 Railway Bridge', and also the offsite highway works including improvements to the A41 to secure the delivery of the Primary Public Transport Corridor'.

3.150 The report concluded that while the County Council remained concerned about the transport implications of such a major development it did not consider that there was sufficient evidence to be able to robustly and conclusively demonstrate that the impact of the proposals would be severe.⁵⁸⁸

3.151 In the section of the Report entitled 'Other Material Considerations' the officer concluded: -

'The Fleet Marston application relates to a site which is considered to be accessible to a range of travel modes and would promote sustainable travel choices The Secretary of State considered that the Quarrendon Fields proposal was likely to result in traffic generation that would add to existing problems of congestion and result in harm to the safety and free flow of traffic on the highway network. The County Council are satisfied that the Fleet Marston proposal would not create the same problem subject to highway and transport improvements which are deliverable through the S106 process or the Highways Legislation'.⁵⁸⁹

3.152 Crucially, the development of Fleet Marston would provide the only chance of securing the completion of the A41 Primary Public Transport Corridor. This major piece of strategically important infrastructure was to have been delivered as part of, and fundamental to, the acceptability and long term sustainability of the Berryfields development and to Aylesbury more generally.⁵⁹⁰ However, subsequent variations to the section 106 agreement for Berryfields led to a shortfall of funding being available for completion of the original scheme.⁵⁹¹

3.153 The Primary Public Transport Corridor proposals consist of: -⁵⁹²

- (a) bus priority measures, which no other transport corridor into central Aylesbury could provide, in the form of bus lanes and bus priority without significantly affecting traffic capacity;
- (b) an improved junction at the point where the Western Link Road (between the A41 and the A413) joins the A41 so as to encourage re-routing of radial trips;
- (c) improved signal junction at Rabans Lane and Dickens Way;
- (d) enhanced pedestrian and cycling facilities between Berryfields roundabout and the Gatehouse roundabout; and

⁵⁸⁶ BL1.38 paragraph 7.4

⁵⁸⁷ It was confirmed that the word 'sufficient' in the report should have read as 'insufficient'

⁵⁸⁸ BL1.38 paragraph 10.82; CD 6.2; CD 6.16

⁵⁸⁹ BL1.38 paragraph 10.158

⁵⁹⁰ AV1.2 paragraphs 3.4 - 3.17, 4.26 - 4.54; BL1.67 pages 10 - 11

⁵⁹¹ BL1.16 paragraphs 3.67 - 3.68; BL/CR/4.1 paragraphs 3.2.1 - 3.2.2

⁵⁹² BL1.26 paragraph 6.4 & Appendix A

-
- (e) eight pedestrian crossings, one of which would be a 'Pegasus Crossing' to accommodate cyclists.
- 3.154 It is common ground that the delivery of the corridor would provide a high quality transport link which would be a benefit not only for existing residents in terms of accessing the Fleet Marston development and nearby facilities, but would positively contribute to the local economy and the aims of the emerging Vale of Aylesbury Plan by relieving congestion on the A41, and providing the opportunity for linked public transport trips with Aylesbury Vale Parkway station.⁵⁹³
- 3.155 The targeting of congestion through the provision of the Primary Public Transport Corridor is specifically recognised in the Local Transport Plan and it could only be completed through developer contributions. The Vale of Aylesbury Plan: Infrastructure Delivery Plan confirms as much.⁵⁹⁴
- 3.156 Overall, Fleet Marston would encourage the transfer of trips to modes other than the private car; it would re-route radial trips by enhancing existing infrastructure; it would intercept longer distance journeys through bus priority measures and the enhancement of Aylesbury Vale Parkway station; and it would manage the highway network for all.⁵⁹⁵
- 3.157 Fleet Marston would also completely integrate the A41 from its current state of a high speed inter-urban highway to a primary urban route within Aylesbury which, by design, would permit and positively encourage travel by walking and cycling and by public transport as well as maintaining a satisfactory level of operational performance for car drivers.⁵⁹⁶
- 3.158 In summary, there is no evidence that apart from the Fleet Marston contribution there would be any means of delivering the vital Primary Public Transport Corridor which would: -⁵⁹⁷
- (a) contribute to the sustainability of Berryfields;
 - (b) support the economic strategy for Aylesbury;
 - (c) be of wider benefit than just Fleet Marston; and
 - (d) can properly be regarded as a '*major benefit*' to Aylesbury.
- 3.159 However, this major acknowledged benefit was not included in the overall balance reached in the Council's evidence and it must follow that the planning balance exercise was incomplete.
- 3.160 The proposed development would also fund two new bus services, one towards Aylesbury town centre at a frequency of six per hour, and the second towards Waddesdon at a frequency of two buses per hour.⁵⁹⁸ Those services would enhance the sustainability and accessibility of the development and, with the funding proposed in the section 106 package, are considered appropriate by the County Council.

⁵⁹³ AV1.29 page76; BL/CR/4.1 paragraphs 3.2.6 - 3.2.7

⁵⁹⁴ AV1.77 pages 6, 43

⁵⁹⁵ BL/CR/4.4 paragraphs 2.2.1 – 2.2.4

⁵⁹⁶ BL/CR/4.4 paragraph 2.2.5

⁵⁹⁷ CD 6.1A paragraph 6.17; CD 6.2 Section 3

⁵⁹⁸ BL1.16 paragraphs 5.18 – 5.24, 7.17 - 7.18 & Appendix 2; BL/CR/4.1 paragraph 3.4.1

-
- 3.161 Barwood's commitment to a contribution of £12,000,000 towards highway infrastructure and public transport provision was the subject of a detailed cost plan which was independently scrutinised on behalf of the County Council. The conclusion reached was that the fund would be sufficient to deliver the overall package.⁵⁹⁹ It is to be noted that this included a revised value for the proposed public transport contribution, increased from £915,000 to £1,066,000.⁶⁰⁰
- 3.162 Notwithstanding the totality of the above benefits, the District Council continues its objection to Fleet Marston on the basis that it would be 'reliant' on a single 'constrained link' to provide access to all forms of transport including pedestrians and cyclists and would, therefore, be unsustainable. However, that is despite the Council accepting: -
- (a) it was no part of its case to suggest that people should be able to walk from Fleet Marston to the centre of Aylesbury when residents do not presently walk from Berryfields; or that urban extensions can only be regarded as acceptable if there is more than one high quality link;
 - (b) the path under the railway bridge would be 'sub-optimal' but not unsafe; and
 - (c) the County Council, in its response to consultation, was fully aware of the nature of the carriageway and the proposed footway/cycleway under the bridge.
- 3.163 At present there is no footpath/cycleway provision under the railway bridge. Notwithstanding the proposed narrowing of the existing carriageway for a short section under the bridge, to accommodate pedestrians and cyclists, the County Council, having regard to Manual for Streets 1 and 2,⁶⁰¹ 'does not consider that an objection to the application on the basis of the localised carriageway reduction under the railway bridge could be sustained'.⁶⁰²
- 3.164 The scheme would secure shared pedestrian/cycle provision alongside the A41 for the length of the proposed site; and only 30 metres of its entire length would be less than 3.0 metres in width, with a possible reduction to 2.0 metres, for a distance of 12.5 metres under the bridge. There is no reason to suppose that a narrowing of this nature, with good inter-visibility from one side of the bridge to the other, would dissuade anyone minded to cycle or walk between Fleet Marston and other nearby destinations.
- 3.165 In any event, people would have the option to dismount their cycles and walk under the bridge. Cyclists might also choose to cycle on the road for that section - a perfectly ordinary and acceptable response, and one seen everyday in an urban area where railway lines criss-cross through towns and cities.

⁵⁹⁹ BL1.68

⁶⁰⁰ BL1.68 Table 2 (page 4)

⁶⁰¹ Formally adopted by Buckinghamshire County Council for roads in Buckinghamshire

⁶⁰² BL1.67 page 16

3.166 As to carriageway widths, the County Council acknowledges, that: - *'since the publication of Manual for Streets (MfS) and more recently Manual for Streets 2 (MfS2) the application of some standards has become less prescriptive or rigid'*⁶⁰³ with particular reference to: -⁶⁰⁴

'UK practice has generally adopted a standard lane width of 3.65m but this should not be taken as a preferred value in all circumstances. This can be an unsatisfactory lane width for cyclists, as there is insufficient room for drivers to pass them comfortably';

'Narrower lanes will be appropriate in many circumstances, particularly in built up areas, resulting in carriageways that are easier for pedestrians to cross and encouraging low traffic speeds without causing a significant loss of traffic capacity'; and

'Lanes wider than 3m are not necessary in most urban areas carrying mixed traffic'.

3.167 Local Transport Note 2/08: Cycle Infrastructure Design recognises that: - *'planning and designing high-quality infrastructure involves developing individual site-specific solutions'*.⁶⁰⁵ It suggests a hierarchy of provision but notes the hierarchies are not meant to be rigidly applied, and solutions in the upper tiers of the hierarchy will not always be viable. The guidance also encourages on road cycling for cyclists; - *'..... it is usually better to cater for urban cyclists on-road if this is practicable'*.⁶⁰⁶ The civilisation of the A41 and reduction of speeds on it will undoubtedly encourage more confident cyclists to utilise that option.

3.168 Manual for Streets 2 clearly expresses that lane widths should be determined based on local considerations including the volume and composition of vehicular traffic, demarcation between the carriageway and footway, and design speed among others.⁶⁰⁷ In this regard, extensive discussions have taken place with the County Council: -⁶⁰⁸

- (a) *'The principle of an improved shared cycle/footway under the existing A41 Rail bridge was discussed with both AVDC and TfB'*⁶⁰⁹ *It was agreed that the change in nature of the A41 from a high speed inter urban road to a reduced, 30 mph, urban road would support both a shared cycle/footway and sufficient carriageway';*
- (b) *'Capita Symonds submitted drawing CS050207/A41/SK001 as a response to a request from AVDC to provide further information as to how the shared cycle/footway under the A41 could work in principle. No further issues have been raised by AVDC';*
- (c) *'It was agreed between TfB and BL that a minimum width of 2.0m was required for the shared cycle/footway under the bridge, recognising that this was a short 'pinch point' along a route which would otherwise be 3m and that as a concept there was sufficient road space to cater for such a facility given the proposed design principles for the A41 in this location';*

⁶⁰³ BL1.67 page 16

⁶⁰⁴ CD 7.20 Section 8.6

⁶⁰⁵ AV1.132 paragraph 1.3.1

⁶⁰⁶ AV1.132 paragraph 8.1.2

⁶⁰⁷ CD 7.20 paragraph 8.6.3

⁶⁰⁸ BL1.83A

⁶⁰⁹ Transport for Buckinghamshire

- (d) *'Drawing J30831⁶¹⁰ shows that 9.08m of road space is available within which to deliver the shared cycle/footway and carriageway'; and*
- (e) *'There is clearly a range of different options available with regard to the detailed design of the road/cycleway/footway'.*

- 3.169 The position reached with the County Council is that the agreed principles of a minimum 2.0 metres shared cycle/footway and reduced carriageway could be provided within the available road space under the A41 railway bridge to satisfy detailed design guidance and offer an enhanced provision for cyclists and pedestrians where no current provision exists. Overall, a perfectly workable design solution could be achieved. Moreover, there is no contradiction between Local Transport Notes 2/08 and 1/12⁶¹¹ with Local Transport Note 2/86 which recognises that *'unsegregated shared facilities have been provided, and have operated safely, down to 2.0 metres with considerable - some 100 to 200 per hour - use by pedestrians and cyclists'*.⁶¹²
- 3.170 Hallam has also sought to question the sustainability of Fleet Marston by reference to distances to selected trip attractors.⁶¹³ However, the exercise overlooks the proximity of Berryfields and all of its associated services and facilities which are close to Fleet Marston; and penalises the site for its distance from Stoke Mandeville railway station, despite the proximity of Aylesbury Vale Parkway station. Similarly, the East-West Rail project (which will provide a link through Parkway direct to Milton Keynes) is ignored; as are any services and facilities that would be provided on site as part of the development.
- 3.171 In summary, the development proposals at Fleet Marston would actively contribute to the District Council's sustainable transport objectives by providing improved accessibility to public transport, safe and convenient walking and cycling facilities and the all important and long awaited Primary Public Transport Corridor.

The fourth main consideration: the effects of the HS2 proposals

- 3.172 In terms of HS2, the likely impacts of the project are not yet known but the high speed line could be accommodated within the land available without compromising the provision of green infrastructure and the delivery of the overall Fleet Marston masterplan. The position remains that Barwood's scheme has been designed with flexibility to facilitate the route and to avoid conflict between the railway line and the development.
- 3.173 It must however be remembered that the overall context of HS2 is that the initial objection by HS2 Limited was on the basis of certain elements of the development conflicting with proposed works associated with the high speed route. However, Barwood has provided further information to the company which has resulted in the withdrawal of the objection.⁶¹⁴ Even with the progress of the hybrid Bill that position remains unchanged.

⁶¹⁰ BL1.82B

⁶¹¹ AV.1.132; CD 7.21

⁶¹² AV1.131 paragraph 6.21 **NB: LTN/1/12 supersedes LTN 2/86**

⁶¹³ HL/JB/2.1 page 11

⁶¹⁴ BL1.73

The fifth main consideration: conditions and obligations

Conditions

3.174 On 15 November 2013 the Council made its first full and comprehensive response to the appellant's draft conditions and draft section 106 agreement which had been in circulation for months; that approach has frustrated genuine attempts to reach agreement on a comprehensive scheme of controls.⁶¹⁵ The outcome is that some conditions are agreed, whereas, for others, alternative versions are offered for consideration.⁶¹⁶ The planning obligation is presented as a unilateral undertaking.⁶¹⁷

The hybrid approach

3.175 The '*Infrastructure and Contributions Framework*',⁶¹⁸ summarises the interrelationship of the proposed draft conditions and the planning obligation; the obligations and conditions, in combination, provide a comprehensive and perfectly proper approach to securing appropriate controls and safeguards for a scheme of this scale.

3.176 Circular 11/95: The use of conditions in planning permissions states: -⁶¹⁹
*'It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Act. The Secretaries of State consider that in such cases the local planning authority should impose a condition rather than seek to deal with the matter by means of a planning obligation
Where conditions are imposed on a planning permission they should not be duplicated by a planning obligation'*

3.177 Barwood has sought to follow that guidance closely, and where possible, conditions have been used in preference to the section 106 mechanism. It is normal, however, that conditions and agreements/obligations should be read together - both are publicly available documents, and there ought to be no confusion as to what is to be delivered. Indeed, the agreed conditions for Hampden Fields include references to the section 106 agreement (conditions 1, 7 and 14).

Dispute resolution

3.178 The planning obligation includes a dispute resolution clause which is an appropriate mechanism by which changing circumstances and disagreement during the life of the development can be accommodated by the obligation. By contrast, it is a rigid and unreasonable approach for the Council to insist that the developer has no mechanism whatsoever by which it resolve disputes, which in turn could lead to major delays in the development. Dispute resolution is entirely consistent with the right of variation and appeal in relation to, and the planning authority's ability to, enforce compliance with such conditions.

⁶¹⁵ CD 6.28 (AVDC letter - 15/11/13; Chilmark response – 22/11/13)

⁶¹⁶ Annex D(i) to this Report

⁶¹⁷ BL1.96

⁶¹⁸ CD 6.28 (Infrastructure and Contributions Framework – 4/12/13)

⁶¹⁹ **NB: The circular was withdrawn following publication of the Planning Practice Guidance – see also CD 4.1 paragraph 203**

Off-site sport and leisure contributions

- 3.179 The Council initially sought some £300,000 to be spent on a sports hall, a swimming pool and off-site green infrastructure;⁶²⁰ but provided no policy or evidence to demonstrate that the contribution was required. Although reliance is placed on the Sport and Leisure Facilities Supplementary Planning Guidance, that document is dated and it is not supported by a current and up-to-date evidence base of needs.
- 3.180 The figure sought has escalated to over £4 million to be spent on Aqua Vale swimming pool; Meadowcroft all-weather pitch; entertainment and arts facilities in the town centre; and a sports hall at Stoke Mandeville (some 7 kilometres from Fleet Marston). Even so, that sum is not to be regarded as 'final'.⁶²¹
- 3.181 The request needs to be considered in light of Barwood's intention to provide on-site green infrastructure and sports facilities including a sports hall. In total there is no justification for the off-site contributions; and compliance with regulation 122 of the Community Infrastructure Levy Regulations 2010 has not been demonstrated.

Community facilities

- 3.182 The point at issue is the inclusion of the words 'up to' in the wording of condition 31 (the multi-functional community facility (D1 Use Class) up to 1,300 m²) in order to match the scale of the building to that which is required.

Section 106 unilateral undertaking

- 3.183 The owners and developer of Fleet Marston have made a unilateral undertaking dated 6 December 2013, pursuant to section 106 of the Town and Country Planning Act 1990, which would be enforceable by the local planning authority.⁶²²
- 3.184 The unilateral undertaking would secure: -
- (a) **financial contribution** (£3,000 annually until completion of the development) to cover the Council's costs of administering and monitoring the planning obligation;
 - (b) **provision: affordable housing** - 17% in Phase 1 and between 17% and 35% for subsequent phases following viability appraisal; and related mechanism for tenure, eligibility and choice of provider(s);
policy compliance and justification: Policy GP.2; Affordable Housing Supplementary Planning Document (2007); National Planning Policy Framework paragraphs 9, 17, 50 and 173;
cross-reference: conditions 4, 12(h), 32 – 35; unilateral undertaking schedule 1;
 - (c) **provision: green infrastructure** - management and maintenance of green infrastructure; provision of a bond or parent company guarantee on

⁶²⁰ CD 6.28 (letter from Chilmark to AVDC dated 22 November 2013 – page 6)

⁶²¹ CD 6.28 (letter from AVDC to Chilmark dated 15 November 2013)

⁶²² BL1.96

commencement of any phase containing green infrastructure to cover provision and management and maintenance for a period of ten years; public access to completed green infrastructure; management and maintenance of sustainable urban drainage systems; and following approval of a Management Body and a Management Scheme (both pursuant to a condition) the owners and developer may serve notice of future maintenance and management by the Management Body;

policy compliance and justification: Policies GP.38, GP.39, GP.40, GP.86, GP.87 and GP.91; Aylesbury Vale Green Infrastructure Strategy 2011 – 2016 (2011); Buckinghamshire Green Infrastructure Strategy (2009); National Planning Policy Framework paragraphs 17, 57, 58, 70 and 73;

cross-reference: conditions 3 -5, 7(c), 7(e - g), 12(d - f), 13, 14 and 16; unilateral undertaking schedule 2;

- (d) **provision: community facility** including sports hall up to 1,300 square metres - to submit details of reserved matters of the community facility; provision of bond or parent company guarantee (to cover provision and ten year maintenance and management to be approved pursuant to a condition); to provide the community facility at an identified time; to manage and maintain it from the date of practical completion until transfer to a Management Body (pursuant to a condition); and provision for that body to manage and maintain the facility;

policy compliance and justification: Policy GP.94; National Planning Policy Framework paragraphs 17, 37, 38, 69 and 70;

cross-reference: conditions 3 - 5 and 31; unilateral undertaking schedule 3;

- (e) **provision: health centre** - to market the health centre in accordance with a marketing strategy to be approved by condition; provision of bond or parent company guarantee before the construction of the health centre and provision of the facility at an identified time; and cessation of obligation in the event of not securing any expression of interest or failure to complete a transfer or lease to a health service provider;

policy compliance and justification: Policy GP.94; National Planning Policy Framework paragraphs 17, 37, 38, 70 and 171;

cross-reference: conditions 3 - 5 and 31; unilateral undertaking schedule 4;

- (f) **provision: railway station site** - to make the availability of the railway station site known to Network Rail (or other railway operator) from commencement of development until commencement of the phase which includes the site; to market the site, in accordance with a strategy to be agreed by condition, for a period of twelve months from the commencement of the relevant phase; provision of the facility at an identified time within the phase; and cessation of obligation in the event of not securing any expression of interest or failure to complete a transfer or lease to a railway operator;

policy compliance and justification: Policies AY.17 and GP.94; National Planning Policy Framework paragraphs 17, 29, 30, 32 and 70;

cross-reference: conditions 3 and 4; unilateral undertaking schedule 5;

- (g) **provision: - local labour and training initiatives:** in relation to the construction of the development;

policy compliance and justification: National Planning Policy Framework paragraphs 17 and 19;

cross-reference: unilateral undertaking schedule 6; and

-
- (h) maintenance of bonds/parent company guarantees until practical completion of related element(s) and, for the provision of green infrastructure or the community facility, transfer of responsibilities to a Management Body; limitations on enforceability; cessation of work in the event of guaranteed funds falling below an identified level or on imminent expiry of a bond until replacement sums have been provided.

Section 106 agreement with Buckinghamshire County Council

3.185 The planning agreement with Buckinghamshire County Council is dated 18 December 2013.⁶²³ It would secure the following: -

- (a) **a parent company guarantee;**
- (b) **financial contribution:** (£5,000 annually for ten years) to cover the Council's costs of administering and monitoring the planning obligation;
- (c) **financial contributions: secondary education;** in the sum of £17,964,636 and **special education needs** in the sum of £2,111,915 (payable in instalments) to provide necessary additional secondary education places and special school places in the district;
- provision: of two primary schools:**⁶²⁴ (or serviced sites and financial contributions); a loose fixtures and fittings contribution of £697,011; and a second primary school further contribution of £1,500,000 for necessary additional primary school places, to serve the development, in existing local schools;
- provision: Sure Start children's centre:** (or financial contribution);
- policy compliance and justification:** Guidance on Planning Obligations for Education Provision (2010); National Planning Policy Framework paragraphs 37, 38 and 72;
- cross-reference:** conditions 3 and 4; planning agreement schedules 1 and 5;
- qualification:** if the viability of any phase of the development cannot sustain the provision of at least 17% of the dwellings in that phase as affordable housing, consideration would be given to whether or not the education obligations could be varied;
- (d) **provision: highway works:** the submission of a Highway Works Delivery Programme to provide phased highway works including the A41 Primary Public Transport Corridor and related 'enhanced' works; and a TRIM⁶²⁵ Initiative Fund financial contribution up to £3,506,234;⁶²⁶
- policy compliance and justification:** Policies AY.1 and AY.2; Local Transport Plan (3) 2011 – 2016;⁶²⁷ National Planning Policy Framework paragraphs 17, 32, 34, 35 and 69;
- cross-reference:** conditions 40 and 41; planning agreement schedule 2;
- (e) **provision: travel plans and travel plan co-ordinator:** the appointment of a travel plan co-ordinator to implement, monitor and review the working of the travel plan and for any new measures required to meet the its targets to be identified;

⁶²³ BL1.97

⁶²⁴ BL1.95 refers to a 'a primary school' whereas the agreement refers to 'the first primary school' and 'the second primary school'

⁶²⁵ TRIM: Transfer, Re-route, Intercept, Manage

⁶²⁶ BL1.97 Schedule 2 paragraph 2.9 (BL1.95 refers to £3,657,234)

⁶²⁷ AV1.99 Figure 3.2 (pages 29 - 30)

policy compliance and justification: Policies AY.1, AY.2 and AY.17; Local Transport Plan (3) 2011 – 2016;⁶²⁸ National Planning Policy Framework paragraphs 17, 35 and 36;

cross-reference: condition 38; planning agreement schedule 3;

- (f) **financial contribution: bus services:**⁶²⁹ a financial contribution towards a bus service that would provide direct connection between the site and Aylesbury town centre and/or a bus service that would link the development to Waddesdon, Aylesbury Vale Parkway transport interchange, the town centre and Stoke Mandeville hospital or such other bus service or services (including the enhancement or alteration of any existing bus service) as may be agreed; with contributions of £435,000, £436,000 and £195,000 triggered by the occupation of 250, 1,000 and 2,000 dwellings respectively;

policy compliance and justification: Policy AY.17; Local Transport Plan (3) 2011 – 2016;⁶³⁰ National Planning Policy Framework paragraphs 17, 34 and 35;

cross-reference: condition 6; planning agreement schedule 4.

The sixth main consideration: the overall planning balance

- 3.186 The Council agrees that the presumption in favour of sustainable development is engaged and that planning permission should be granted for the proposal unless any adverse impacts significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework.
- 3.187 When read as a whole, it is clear that Fleet Marston complies with the policies of the Framework which recognises that the supply of new homes can sometimes be best achieved through larger scale development and by providing economic, social and environmental gains through the development.
- 3.188 The Fleet Marston proposal would provide a new, mixed-use, integrated and well designed urban extension, with a sense of place (adopting the principles of the Taylor Review) and where people would want to live. It would be a vibrant community that respects its location; and it would create visual interest for those travelling into and out of Aylesbury.
- 3.189 The scheme would also be capable of accommodating HS2. The position remains that the development of Fleet Marston has been designed with flexibility to accommodate the railway and to avoid conflict between the railway line and the development. The implementation of the project would change the visual baseline of the locality and Fleet Marston would be seen in a more urbanised context.
- 3.190 It is clear that the landscape of the site and its surroundings could accommodate the appeal proposal. The site is out-with and distant from any nationally valued landscape; it has little visual interest; and it is in close proximity to a number of urbanising influences and detractors (most

⁶²⁸ AV1.99 Figure 3.2 (pages 29 - 30)

⁶²⁹ Inspector's note: BL1.99 refers to 'provision of financial contribution for two additional bus services'; whereas Schedule 4 paragraphs 1.1.1 – 1.1.3 would permit a single service

⁶³⁰ AV1.99 Figure 3.2 (pages 29 - 30)

- notably Berryfields Major Development Area and Aylesbury Vale Parkway station). It cannot be said that the railway provides a natural edge to the development of Aylesbury - it is a feature, physically weaker than the river which has already been crossed by Berryfields, and a feature which is commonly seen running through towns.
- 3.191 Furthermore, it cannot seriously be argued that the railway bridge should preclude development at Fleet Marston. The County Council has explicitly considered the treatment of the bridge and what provision might be made available for pedestrians and cyclists; and it cannot credibly be argued that safety and sustainability were not part of that consideration.
- 3.192 If permission is granted a design solution will come forward, and, for a short distance of 12 metres under the bridge, the cycleway/footpath would be narrower than the optimal width. It would provide a practical, flexible and workable solution to a local circumstance; and an approach supported by the National Planning Policy Framework which encourages local planning authorities to look for solutions not problems.
- 3.193 It seems that it has been the District Council's entire approach in this appeal to ignore that imperative, not only in respect of the railway bridge but also in relation to landscape (with the introduction of an objection based on Policy RA.8), Saint Mary's church, and the policy compliant approach Barwood has taken in the drafting of the conditions and the planning obligations.
- 3.194 In respect of Saint Mary's church, the present isolated context, appreciated by the few that venture to see it and understand the impact of depopulation, would be surrounded by a vibrant new community. It would provide a resource where local people could worship; and a space for the community to use. The church would, again, have a use and a purpose - not as a monument on the top of a hill, but as a functional building at the heart of the new development. Overall, it would be of substantial benefit to the new residents of Fleet Marston; and that vision is supported by the Churches Conservation Trust.
- 3.195 Fleet Marston is a proposal that has been subject to extensive and full public consultation through the normal planning application process as well as the previous Core Strategy examination. It is not a misunderstanding of the Interim Report⁶³¹ to record that the Inspector strongly supported the Fleet Marston scheme.
- 3.196 The proposal is not premature. The Vale of Aylesbury Plan is predicated on providing some 15,000 new jobs, and for there to be any synergy between that *'realistic'* aim and the appropriate housing numbers, somewhere in the region of 1,000 new homes a year would have to be provided. The Vale of Aylesbury Plan fails to recognise that; and it is subject to a great deal of opposition such that its examination will begin with consideration as to whether the plan even meets the legal requirements of the 2004 Act. Accordingly, little weight can be given to the plan at this stage before those fundamental considerations have been resolved.

⁶³¹ AV1.8

- 3.197 The National Planning Policy Framework aims to boost significantly the supply of housing now; and the proposal would assist in that aim by providing a substantial number of new homes in a new integrated community. It would also contribute towards the previous undersupply (against the South East Plan targets), and importantly, would contribute towards the severe undersupply in affordable housing provision. That would be a major benefit from the scheme and one which is urgently needed.
- 3.198 The financial contribution to facilitate the completion of the Primary Public Transport Corridor would have sustainability benefits for both Fleet Marston and Berryfields and it would represent a major benefit for Aylesbury; it would not be delivered without Fleet Marston. There has been no suggestion from the Council that more than one high quality transport link between Fleet Marston and the rest of Aylesbury would be required and that is what is provided. The focus on the implications of the localised narrowing under the railway bridge overlooks the locational sustainability credentials of Fleet Marston, in close proximity to Berryfields and Aylesbury Vale Parkway station, and which would have the benefit of frequent bus services.
- 3.199 Further significant benefits would include the provision of jobs, and community and social infrastructure; extensive green infrastructure to help promote healthy communities and improved ecology/ biodiversity. In addition, schools, and a childrens centre would be provided as well as multi-functional community space, a GP surgery, health facility and gym. The development would improve the quality of life for its residents and provide a community where people could live, work and undertake recreational activities. In short, the development would provide a significant package of benefits; and it would be truly *'Fleet Marston, A Sustainable Development'*.⁶³²
- 3.200 In view of those very many and significant benefits, the limited impacts of the scheme, and compliance with relevant local plan policies and the National Planning Policy Framework (and previous support expressed by both the Core Strategy Inspector and the Council's officers), it is clear that the development should be approved without delay. The Secretary of State is invited therefore to allow the appeal and grant planning permission subject to appropriate conditions and in light of the planning obligations.

Matters following the close of the Inquiry

- 3.201 The National Planning Practice Guidance contains similar guidance to that in the now cancelled *'The Planning System: General Principles (2005)'* on prematurity in so far as it relates to local plan preparation. As the Council formally withdrew the Vale of Aylesbury Plan on 5 February 2014 the matter of prematurity is no longer relevant.⁶³³

⁶³² BL/MT/5.1 part 4

⁶³³ BL1.100 'Prematurity'

- 3.202 Guidance on housing and economic development needs assessments is set out at paragraphs 2a-018-20140306 to 2a-037-20140306. It includes clarification for local authorities to take account of employment trends in the growth of the working age population for housing needs assessments. It also identifies that cross-boundary migration assumptions need to be agreed with other local planning authorities so as to avoid unmet housing need; and to consider how the location of new housing could help address the problem of unsustainable commuting patterns.⁶³⁴
- 3.203 Barwood's case that the quantum of housing proposed in the Vale of Aylesbury Plan does not represent the full, objectively assessed housing need for the district has been endorsed by the Examining Inspector in his conclusion that there is a *'clear and substantial mismatch between the level of housing and jobs planned'*.⁶³⁵

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Barwood's representations in relation to Hampden Fields

The first main consideration: the landscape and visual effects

The second main consideration: coalescence and settlement identity

- 3.204 The Consortium's landscape case is characterised by a lack of appreciation for the specific and sensitive context of the appeal site, a disregard of national and local policy and a desire to put too big a development in the wrong place.
- 3.205 It is acknowledged by the Consortium that its development would fundamentally change the character of the appeal site and would cause coalescence between Aylesbury and Stoke Mandeville contrary to Policy RA.2 of the Aylesbury Vale District Local Plan.
- 3.206 The landscape buffers that are proposed⁶³⁶ would not prevent that undesirable outcome (which seems to have been planned for in any event). It is said that Hampden Fields is planned as *'an urban extension to Aylesbury and Stoke Mandeville, planned as a 21st Century Garden Suburb'*; ⁶³⁷but the consequence would be to provide the glue which would stick Aylesbury and Stoke Mandeville together.
- 3.207 The very apparent need for landscape buffers results from the impossible task of seeking to fit the proposed scale of development in between existing settlements that are separated by narrow, and consequently sensitive, gaps. The failure to follow principles of good design can be illustrated as follows: -
- (a) although it is said that the proposal has been designed to reflect the historic pattern of development in Aylesbury,⁶³⁸ the outcome would be a further concentric ring of development, which is the sort of *'bad growth'* that the Taylor Review condemned as having a negative impact on small, nearby, individual settlements and one which could lead to the creation of an amorphous mass of housing;

⁶³⁴ BL1.100 'Housing Needs Assessment'

⁶³⁵ BL1.100 'Housing Needs Assessment'

⁶³⁶ HF/4/1 paragraphs 2.5.4, 2.5.16, 4.6.2, 4.6.7, 5.3.7, 8.1.16

⁶³⁷ HF/5/2 page 4

⁶³⁸ HF/5/1 paragraph 2.18

- (b) the development has been designed without any sense of place; and it would fail to identify with Aylesbury, or Stoke Mandeville, or even both;
 - (c) although it is claimed that the proposals '*entail the preservation of the long-established small fields and closes around Weston Turville and Stoke Mandeville, thereby enabling them to act as a landscape buffer and to preserve the sense of place and individuality of these rural settlements*',⁶³⁹ the outcome, nonetheless, would be coalescence between the settlements; and
 - (d) roads are proposed to be introduced into small, sensitive, gaps on Wendover Road and Marroway;⁶⁴⁰ both gaps have a role to play in separating settlements; it was confirmed that the gap on Marroway would be eroded as a consequence but, by contrast, a new junction along Wendover Road would enhance the function of the gap between Aylesbury and Stoke Mandeville.⁶⁴¹
- 3.208 Policy RA.2 of the Aylesbury Vale District Local Plan, '*Coalescence of Settlements*'⁶⁴² is highly relevant to the development; but it is largely ignored by the Consortium's case. The explanatory text and the policy make the following points: -
- (a) the Council through the policy seeks to preserve the separate identities of neighbouring settlements or communities;
 - (b) the Council will resist development that would compromise the open character of the countryside between settlements, especially where the gaps between them are already small;
 - (c) the Council will resist further development that would result in consolidation of linkages between neighbouring communities and threaten what remains of the separate character or identity of the communities;
 - (d) there is a need for more specific protection in locations that are or will be experiencing the strongest pressures for development. These pressures are evident in certain locations around Aylesbury, where there are proposals for major development areas to include several thousand new homes; and
 - (e) the policy seeks to avoid the reduction of open land which contributes to the form and character of rural settlements; and, if that is what the development would do, it would thus be in conflict with the policy.
- 3.209 The wording of Policy RA.2 was recommended specifically by the Local Plan Inspector: -⁶⁴³ '*What is required is a clearly worded policy that could, in conjunction with the countryside protection policy, be applied robustly and understood with certainty*'.
- 3.210 Despite the opposing positions of two of the Consortium's witnesses as to whether or not Policy RA.2 was out-of-date, the clear position is that it remains in compliance with the National Planning Policy Framework and it should carry full weight.⁶⁴⁴

⁶³⁹ HF/4/1 paragraph 2.5.4

⁶⁴⁰ HF1.9 G (page 23) & K (page 24)

⁶⁴¹ HF/4.2Appendix 12 Figure C5

⁶⁴² CD 3.3 pages 172 - 173

⁶⁴³ Aylesbury Vale District Local Plan – Inquiry Inspector's Report Part II – paragraph 11.3.18 (not included as a core document)

⁶⁴⁴ HF/2/1 paragraph 2.6

-
- 3.211 The policy reflects, in particular, the core planning principles which drive towards local distinctiveness and the recognition that different areas have different roles to play; and the role of the planning system in contributing to and enhancing the natural and local environment by protecting and enhancing valued landscapes.⁶⁴⁵ The project would neither protect nor enhance the area of the appeal site.
- 3.212 The value of the land at Hampden Fields is also attested to by the number of objections from local people on that point. It cannot be overlooked as a distinguishing feature between Hampden Fields and Fleet Marston that the former proposal has generated an action group (with Rule 6 status), who have raised significant funds to appear at the Inquiry, and who have appointed their own expert witnesses to test the Consortium's case.
- 3.213 In terms of the factors which can help in the identification of valued landscapes the following apply to Hampden Fields: -⁶⁴⁶
- (a) the landscape has rarity value because there is only a certain amount of land that separates Stoke Mandeville, Weston Turville and Aylesbury;
 - (b) it has perceptual value in separating communities with separate values that they want to conserve;
 - (c) it has a historic role as the land encircles different settlements and it is intimately associated with the history of those villages which are essentially agricultural settlements; and
 - (d) the site has value in acting as a locally valued space.⁶⁴⁷
- 3.214 Nonetheless, the Landscape and Visual Impact Assessment for Hampden Fields makes no reference to Policy RA.2; and it also fails to demonstrate and appreciate the role of the appeal site as open land separating distinct settlements.
- 3.215 However, it is anticipated that the proposed sports and recreation areas, which are intended to keep the communities separate and provide a buffer between settlements, would be used by people from both communities. In effect, the very things designed to keep the communities apart would be the thing that stitches them together, especially as there would be a number of new footpath/cycleway connections. Whilst those links would be an undeniable asset, they would create an overwhelming dis-benefit in eroding any sense of remaining separation between the different settlements.
- 3.216 The Weston Turville golf course is intended to act as a buffer, despite it being '*manicured*',⁶⁴⁸ and obviously an urbanising feature.⁶⁴⁹ It is also said that '*the site is effectively surrounded by existing built development of one form or another*',⁶⁵⁰ and it is plain that this is not a location where further built development could maintain a sense of separation with its surroundings. Indeed, if the development were to be permitted, there would be no rural landscape left and Policy RA.2 could no longer be applied.

⁶⁴⁵ CD 4.1 paragraphs 17, 109

⁶⁴⁶ CD 7.14 Box 5.1 (page 84)

⁶⁴⁷ HF/4/4 paragraph R3.3.9

⁶⁴⁸ HF/4/1 paragraph 4.6.2

⁶⁴⁹ AV1.36 paragraph 3.92

⁶⁵⁰ HF/5/1 paragraph 2.23

- 3.217 With regard to the claimed preservation of some of the historic features within the site, notably the hedgerows, that very point was addressed in the Quarrendon Fields appeal: -⁶⁵¹
- 'From the revised DAS and Masterplan it is clear that many of the guidelines referred to in the LCA have been followed. Mitigation measures include the retention and reinforcement of the main hedgerows and planting of native vegetation including the locally prized Black Poplar. However another important guideline is restoring and enhancing the original field pattern and this would largely be lost if the arable fields were filled with built development. The pattern of agricultural fields bounded by hedgerows would be completely changed and the built development itself along with the proposed new planting would be likely to diminish views of the pattern of hedgerows in the wider landscape'.*
- 3.218 The same situation applies at Hampden Fields in that the pattern of agricultural fields bounded by hedgerows would be largely lost if they were to be filled by development as planned; especially as the Consortium acknowledges the hedges to be indisputably important.
- 3.219 Although the Core Strategy Inspector considered *'the Aylesbury South East site (Site D) to be the best performing element of all proposals and should be included in any strategy'* it is relevant to note that: -
- (a) the Inspector did not have any particular layout or detailed application before him;
 - (b) he was dealing with a concept only; and
 - (c) it is clear that he anticipated that, whatever development took place on that site, there would be proper landscape buffers in place to prevent it impacting on other settlements.
- 3.220 On this basis the Inspector could not have possibly anticipated that a development which set out to act as an urban extension to both Aylesbury and another nearby settlement at the same time would be acceptable. There is no doubt that the Inspector anticipated the settlements would be kept separate from one another.⁶⁵²
- 3.221 Moving on to the setting of the Area of Outstanding Natural Beauty, although the Landscape and Visual Impact Assessment⁶⁵³ confirms that the setting of the designated area would be conserved, the study fails to identify the features or qualities which are important to that area. The conclusions reached must therefore be viewed in that context.
- 3.222 The assessment is also lacking in recognising the sensitivity of the views from a number of viewpoints and for failing to assess how the built form would appear from medium/long distance views to the Chilterns scarp from within and beyond the site.⁶⁵⁴ There is no doubt that the proposed development would sever the inter-relationship of the site with the Area of Outstanding Natural Beauty where the inter-visibility between the appeal site and the designated area are important considerations as is the character and experience of that relationship.⁶⁵⁵

⁶⁵¹ CD 5.1 paragraph 343 (Inspector's Report)

⁶⁵² AV1.8 paragraph 9

⁶⁵³ HF1.4 Chapter 7 paragraph 7.149

⁶⁵⁴ HF1.20 paragraph 7.8

⁶⁵⁵ CD 5.21 paragraph 39

3.223 It should also be noted that the setting of Hampden Fields includes a designation of national importance which attracts the highest status of protection (in contrast to the locally designated Area of Attractive Landscape at Fleet Marston);⁶⁵⁶ and that the Council describes the view from Coombe Hill as '*spectacular*'.⁶⁵⁷

The third main consideration: heritage assets

Field patterns

- 3.224 A study of the historic environment around Aylesbury⁶⁵⁸ for the Stoke Mandeville – Weston Turville area states: - '*The incomplete and somewhat fragmented nature of the parliamentary enclosure suggests that this area has a high capacity to absorb new development*'.⁶⁵⁹
- 3.225 The ancient landscape structure of the area, as a legacy of medieval settlement, remains apparent. The landscape today comprises scattered nucleated rural settlements set in open land in a ring south-east of Aylesbury and still clearly separated from it by a '*girdle of green*'.⁶⁶⁰
- 3.226 The survival of nucleated settlements to the south of the town (compared to lost villages to the north) could be related to agricultural influences and the later enclosure of lands to the south. Enclosure within the vicinity of the appeal site is likely to have taken place in the late eighteenth century and the Ordnance Survey map of 1882 shows clear evidence of enclosure.
- 3.227 Although the Consortium initially took the position that: - '*since that time, there has been minimal or no field boundary loss within the application site*',⁶⁶¹ it subsequently sought to demonstrate that some of the earlier enclosure had been lost and there had been further subdivision.⁶⁶² However, as there is apparently no intermediate mapping to provide a more specific date, it can only be said that the subdivisions were introduced at some point between 1813 and 1882.
- 3.228 This process of further subdivision, after initial enclosure, was, however, typical of the parliamentary enclosure process, and can be clearly seen around Weston Turville by comparing the maps of 1799 and 1813.⁶⁶³
- 3.229 What is apparent, and important, is a significant degree of pre 1800 enclosure surviving on the site. This is, therefore, at odds with the view of the Historic Environment Assessment;⁶⁶⁴ it undermines the conclusion that the area has a high capacity to absorb new development; and the Core Strategy Inspector reached his conclusions without this information.

⁶⁵⁶ CD 4.1 paragraph 115

⁶⁵⁷ AV/JB/1.2 paragraph 414

⁶⁵⁸ AV1.32 (Aylesbury Vale Environmental Character Assessment: Historic Environment Assessment)

⁶⁵⁹ AV1.32 paragraph 3.8

⁶⁶⁰ BL/CM/3/1 paragraphs 8.1 - 8.20

⁶⁶¹ HF/6/2 (White) paragraph 2.1.2; AV1.32 Figure 33 (page 54)

⁶⁶² HF1.50

⁶⁶³ HF/6/1 Figure 1; HF1.49

⁶⁶⁴ AV1.32

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- 3.230 There are three further elements of the historic landscape: -
- (a) the ridge and furrow on the site which predated enclosure has been preserved and is a particularly good example of surviving ridge and furrow;
 - (b) the West End Ditch is an important historic feature, surviving from the open fields system, in the landscape; it joins with other features and contributes to the time depth within the historic landscape as it was the means by which workers from nearby settlements would have gone into the fields; and
 - (c) while there has been a great deal of development, the character, distinctiveness, and separateness of former agriculturally based settlements and the links to the surrounding agricultural land remains.
- 3.231 The conclusion that *'the development proposals will not result in the loss of the historic landscape, nor of the historic settlement pattern'*,⁶⁶⁵ does not chime with the evidence that the links between the settlements and the surrounding fields provide the historical agricultural context for the villages. Building on that very land would result in the loss of historic context forever; and the existing distinctiveness of, and separation between, settlements would be lost, by design.

The fifth main consideration: highways and transportation

Transport

- 3.232 The Consortium's transport case remained as *'work in progress'* for most of the Inquiry culminating in the submission of substantial and very late evidence.⁶⁶⁶ Barwood unsuccessfully sought to have the material excluded (given its lateness, lack of consultation and no real opportunity for other parties to address the evidence, with the potential to cause very substantial prejudice)⁶⁶⁷ culminating in the cross-examination of the Consortium's witness *'under protest'*.
- 3.233 It is immediately apparent, however, that the severe impacts which would arise from the scheme on an already congested network could not be adequately mitigated; or, otherwise, it has not been demonstrated that those severe impacts could be adequately mitigated. The proposals are unclear either way.
- 3.234 The financial contributions offered reflect that same confused picture in that a sum is allocated towards the southern section of the Eastern Link Road, notwithstanding any quantification of the actual relationship. This raises the question as to whether or not the obligation is lawful,⁶⁶⁸ especially when little has changed since the Core Strategy Inspector was not convinced of the necessity of the road: -⁶⁶⁹

'The promoters of both the FM and SGA sites have said they would fund the eastern link road as a separate entity if a need for the road were proven. However, not all the ELR is classed as essential infrastructure in the viability studies, which gives me grounds for serious concern; the southern section is not likely to be built until 2021, if at all.'

⁶⁶⁵ HF/6/2 (White) paragraph 3.2.2

⁶⁶⁶ CD 6.21

⁶⁶⁷ X/8

⁶⁶⁸ Regulation 122 of the Community Infrastructure Regulations 2010 (as amended)

⁶⁶⁹ AV1.8 paragraph 20

3.235 The Statement of Common Ground on Highway and Transport Matters makes the point that: -⁶⁷⁰

'Ultimately, the capacity relief at this location are [sic] being pursued by TfB through the implementation of the Eastern Link Road which will divert much of the traffic between the A41 and A418 to the new by-pass therefore reducing the congestion at this junction. This would help to support bringing forward cumulative development as well as accommodating through traffic'.

3.236 However, the difficulty with relying on the Eastern Link Road to mitigate the impact of Hampden Fields is the uncertainty of if, how or when the road might come forward as it relies almost solely on developer contributions.⁶⁷¹ This uncertainty is acknowledged by the Consortium: -⁶⁷²

'The land east of Aylesbury (LEA) development would deliver the Stocklake Link and the northern section of the Eastern Link Road (ELR). The Transport Assessment prepared in support of the LEA demonstrated that the southern section of the Eastern Link Road was not required but that a contribution towards its implementation through the Local Plan would be pursued as part of the drafting of its Section 106. The officer's report on the LEA concluded that LEA would deliver some two thirds of the ELR and agreed that the appropriate mechanism for securing the remainder of the ELR would be the Vale of Aylesbury Plan process'.

3.237 There are a number of serious omissions from the Statement of Common Ground including: -

- (a) a pedestrian controlled crossing is proposed for Station Road, Stoke Mandeville (on the route to the railway station) but no such provision is proposed for Wendover Road (along the same route), where the traffic flow is much heavier, compromising safe access between Hampden Fields and the railway station;⁶⁷³
- (b) localised narrowing of the footpath/cycleway on both the northern and southern sides of Station Road to 2.0 metres (and less due to physical constraints including vertical obstruction (fence) for which there should normally be a buffer) for a length of some 15.0 metres;⁶⁷⁴ and
- (c) similarly, localised narrowing of the footway/cycleway to 2.3 metres (measured without any buffer) for some 15.0 metres on the southern side of A41 Aston Clinton Road due to an adjacent brick wall with a high hedge which overlaps the wall and goes above it.⁶⁷⁵

3.238 Junction capacity, with particular reference to the connection of the east-west spine road with Wendover Road, is a further matter: -⁶⁷⁶

'BCC Comment: - The A413/SELR junction is shown to operate (notwithstanding my earlier comment regarding the need to review the input data) with a Practical Reserve Capacity (PRC) of - 0.4% in the AM peak. The junction is therefore operating over capacity and the Council's normal requirement is for new junctions to the highway to operate with a minimum PRC of 10%. The PM peak operates with a PRC of 3.1% and is also not meeting the normal 10% PRC requirement.

⁶⁷⁰ CD 6.21 paragraph 1.6.54

⁶⁷¹ AV1.77

⁶⁷² HF/3/1 paragraph 5.8.12

⁶⁷³ CD 6.21 SOCG15

⁶⁷⁴ CD 6.21 SOCG18 (Drawing 2826-SK-023 rev B)

⁶⁷⁵ CD 6.21 SOCG18 Drawing SK-030 (Sheet 2/2, Inset C)

⁶⁷⁶ CD 6.21 SOCG3 page 5

WSP Response:- There are a number of matters which need to be taken into consideration when reviewing these results

In the context of a newly created junction, the proposed A413 access to Hampden Fields does not simply provide access to the development. WSP is therefore of the opinion that assessing the merits of any one junction in isolation would, in this instance, not be appropriate as there are wider benefits that arise from the creation of the Main Street which needs to be factored in, including but not limited to the effects on existing roads through Weston Turville and Bedgrove'.

3.239 There are great many more problems for the Consortium's scheme in terms of junction capacity: -

(a) **A41 Aston Clinton Road/New Road:-**⁶⁷⁷ the Practical Reserve Capacity for the morning peak is a minus number and the evening peak less than 10%. Reliance is placed on the 'MOVA' signal control system⁶⁷⁸ to reduce the potential for delay,⁶⁷⁹ despite having no evidence to show that the system would be capable of improving the capacity of the junction specifically.

It is also suggested that:-⁶⁸⁰ *'It is worth noting that the Aston Clinton MDA development proposals are not subject to a resolution to grant. There is consequently much uncertainty regarding delivery of the junction. Without the MDA, the stand-alone configuration of the New Road/Aston Clinton Road junction would operate satisfactorily'.*

However, part of the Consortium's case is that Hampden Fields would have the wider benefit of acting as a catalyst for the Major Development Area to come forward; it is a committed development site in the Aylesbury Vale District Local Plan; and, as such, the consequences of the cumulative impact cannot be ignored.

(b) **Wendover Road/Station Road Roundabout:-**⁶⁸¹ the ratio of flow to capacity on the Station Road arm in the morning peak would be 109.3%. Although this would be an improvement on the 'do minimum' (127.3%)⁶⁸² it serves to demonstrate that the development would be located in an area where there are existing problems, and where those problems would continue post development;

(c) **A41 Tring Road/Broughton Lane/Bedgrove:-**⁶⁸³ the circumstances here would be similar to those explained above; and

(d) **A41 Tring Road/Oakfield Road/King Edward Avenue:-**⁶⁸⁴ the outcome would be materially worse as a result of the development with the morning peak practical reserve capacity reducing from 0.2 to minus 5.3 and the equivalent for the evening peak would increase from minus 10.3 to minus 15.0. Again, there is no evidence that MOVA could be applied in such a way as to materially reduce the modeled problems.

⁶⁷⁷ CD 6.21 SOCG1 Table 1.9
⁶⁷⁸ HF1.51 (Microprocessor Optimised Vehicle Actuation)
⁶⁷⁹ CD 6.21 paragraph 1.6.7
⁶⁸⁰ CD 6.21 page 6
⁶⁸¹ CD 6.21 SOCG1 Table 1.14
⁶⁸² CD 6.21 SOCG1 Table 1.12
⁶⁸³ CD 6.21 Table 1.18
⁶⁸⁴ CD 6.21 SOCG1 Tables 1.29 & 1.30

Walton Street gyratory

- 3.240 The gyratory is clearly a challenging junction which has required a great deal of consideration with confusion reigning as late as 21 October 2013.⁶⁸⁵ The response, the following day, attaching a number of drawings and TRANSYT summary results tables, shows that the performance of the Stoke Road entry would be materially worse in the morning peak as a result of the scheme proposed by the Consortium. There is no further evidence available that could be used to consider the impact on the junction.
- 3.241 The proposed changes to the Walton Street gyratory are predicated on the provision of the Eastern Link Road to make them work; its delivery is by no means certain; and there is no stand-alone assessment. Moreover, the Consortium relies on the Land East of Aylesbury development, and the Eastern Link Road being delivered to realise the benefits it claims to the already congested local road network where the degree of saturation is well above any practical reserve capacity of the kind generally sought by the County Council.
- 3.242 In addition, no modeling has been undertaken to assess the impact on other nearby roads in the vicinity which may be affected by the proposed changes to the gyratory, a point clearly raised on behalf of the County Council: -⁶⁸⁶
- 'Whilst I am fairly comfortable with the submission I do have some concerns about the wider impact on the strategic network. As you will appreciate, the A41 Friarage Road/Great Western Street junction is of significant importance to the buses serving the railway station and the bus station. As such I would have expected that there would be a wider strategic network model or consideration to include, the Walton Street Gyratory, the Walton Street/Exchange Street Roundabout and A41/Bourg Walk/Great Western Street intersection. This is due to the relative proximity of the junctions to each other'.*
- 3.243 Of further concern is the lack of consultation associated with the proposals and an inadequate opportunity for key stakeholders to assess and comment on the information. The proposed changes to the Walton Street gyratory would be dependent on a Traffic Regulation Order, which may or may not be confirmed. Such uncertainty about achieving the necessary works casts doubt about the acceptability of the proposal and the ability to implement any grant of planning permission for the development of Hampden Fields.
- 3.244 It should also be noted that Stoke Road (on the south-western arm of the Walton Street gyratory) is the only access point for residents in the Southcourt area of Aylesbury to approach both the town centre and the A413 Wendover Road without the need to travel south via Mandeville Road and through the village of Stoke Mandeville. It also provides the only access and egress for Stoke Mandeville hospital, Booker Park and Mandeville schools.

⁶⁸⁵ CD 6.21 SOCG12

⁶⁸⁶ CD 6.21 SOCG12

- 3.245 In addition, the right turn from Stoke Road onto the A413, Wendover Road, is the only route by which residents from Southcourt can gain access to Walton Road (which provides further access/egress to both Aylesbury Grammar School and Aylesbury High School) and locations south of Aylesbury. Whilst minor in appearance, the restriction placed on residents from Southcourt would entail either: -
- (a) continuing towards Aylesbury town centre and coming back out of town via Walton Street (having negotiated the Exchange Street/Friarage Road roundabout); or
 - (b) heading south on Mandeville Road and gaining access to the A413 via Station Road (having first gone through Stoke Mandeville itself).
- 3.246 Both scenarios could lead to significant and potentially severe impacts on journey times and compound the existing congestion at key junctions with the A413 (most notably Station Road/A413 Wendover Road) which is already congested and operates above capacity. As the impact on it (arising from the proposed changes to the Walton Street gyratory) have not been modelled, it is impossible to know what the capacity implications would be or what the impact on congestion would be for Stoke Mandeville village, or anywhere else.
- 3.247 Inevitably, drivers would be forced to head northwards and thereafter to choose a route southwards (their intended original direction of travel), or to find alternative routes through village centres. Given what is known about the extent of current congestion the impact is very likely to be significant and adverse.
- 3.248 Additional congestion could have a very severe impact on one of the main routes to Stoke Mandeville hospital (where journey time is of the essence for emergency vehicles); and it is to be noted that the Ambulance Service has confirmed that it had not had time to accurately assess possible impacts on the journey times of ambulances.⁶⁸⁷
- 3.249 The answers to the queries of the Ambulance Service and the Hamden Fields Action Group are not available because the work has not been done. A last minute solution has been proposed which may or may not be appropriate - it may also have severe impacts that cannot at this stage be foreseen because there has been inadequate testing of the proposed works and a failure by the Consortium to consult on the proposed works.
- 3.250 The Secretary of State cannot therefore be satisfied that the impacts of the Hampden Fields development on the local highway network could be adequately mitigated.

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⁶⁸⁷ SCAS.1; SCAS.2

4. The Case for The Hampden Fields Consortium

Introduction

The approach

- 4.1 The proposed sustainable mixed-use development would be located on greenfield land. The following matters arise: -
- (a) the need for additional housing and employment land;
 - (b) the extent of any objection to be weighed against the benefits; and
 - (c) whether there is an identified demonstrably preferable alternative to meet the need.

The policy framework

- 4.2 The development plan is effectively limited to the Aylesbury Vale District Local Plan.⁶⁸⁸ Policies RA.2 and GP.35 are relevant; and the proposal would accord with both of these. However, as the plan has an end date of 2011, it is common ground that paragraph 14 of the National Planning Policy Framework is engaged and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.⁶⁸⁹
- 4.3 It is also material whether there is a specific requirement for housing to contribute to the five year supply under paragraph 47 and/or to meet the need to support economic growth pursuant to paragraph 19.

The parameters

- 4.4 In response to the criticisms raised by the Council⁶⁹⁰ about the intended heights of the buildings to the north of the spine road (running east from Wendover Road) and to the north of the proposed green infrastructure in the southern part of the site, the scale of buildings assessed by the Consortium's landscape witness was well within the scope of the proposed development and the control on building heights could be delivered through the approval of reserved matters.
- 4.5 Indeed the Revised Design and Access Statement confirms that *'lower density residential areas along the southern edge of the scheme will be a maximum of two storeys'*⁶⁹¹ A specific condition restricting building heights is not necessary; albeit no objection is taken if it is considered to be required in order to secure adherence to the height limitations reflected in the visualisations supporting the evidence.

The Hampden Fields proposal

Background

- 4.6 The Council accepts that, if there is an outstanding need to be satisfied, the principles proposed for Hampden Fields would be appropriate and sustainable.

⁶⁸⁸ CD 3.3

⁶⁸⁹ CD 4.1; HF1.20 paragraph 1.2

⁶⁹⁰ at paragraphs 2.210 – 2.212 above

⁶⁹¹ HF1.9 pages 94 - 95

4.7 Indeed, development to the south-east of Aylesbury has previously been found to be appropriate through: -

- (a) the Proposed Submission Core Strategy (2009);⁶⁹²
- (b) the Aylesbury Growth Arc Masterplan & Delivery Supplementary Planning Document;⁶⁹³ and
- (c) the Interim Report of the Core Strategy Inspector.⁶⁹⁴

The only subsequent material change arises from the reduced housing requirement proposed in the Vale of Aylesbury Plan following the revocation of the South East Plan.

4.8 The masterplan principles and layout were negotiated at length and supported by the Council's officers: -⁶⁹⁵

' Considerable development of the proposal has taken place to demonstrate that a high quality design can be achieved in line with the NPPF such features help illustrate that an incorporation of garden city principles can be achieved in the proposed development'.⁶⁹⁶

4.9 The acceptability of the site and its pedigree has a substantial evidence base that has been consulted on and tested, supporting both the location and the principles of the layout including: -

- (a) the Core Strategy and its evidence base;
- (b) the Supplementary Planning Document including a road link to Marroway, which generally supports the principles of the Hampden Fields masterplan;⁶⁹⁷
- (c) the Hampden Fields Masterplan Report, February 2010;⁶⁹⁸ and
- (d) the extensive evidence base for the Core Strategy examination.⁶⁹⁹

4.10 The above enabled the Core Strategy Inspector, in light of the evidence and examination process, to form a considered view on the sustainability and acceptability of the development proposals at Hampden Fields, both on its own merits and in comparison with other proposals and in particular that for Fleet Marston. The following extracts from his Interim Report underpin the case for Hampden Fields: -

- (a) Paragraph 6: *' to be the best performing element of all proposals and should be included in any strategy'* represents an unqualified endorsement of the sustainability and acceptability of Hampden Fields for major development;
- (b) Paragraph 7: *' represents a sustainable urban extension there would be limited landscape, heritage, biodiversity or flooding impacts can accommodate a strategic employment allocation which would complement the already allocated major employment area on the north-east side of the A41 have good access to a railway station at Stoke Mandeville'*. Each of those conclusions would be applicable to the appeal proposal;

⁶⁹² AV1.7 Section 3.1 & Proposals Map D (page 138)

⁶⁹³ AV1.46

⁶⁹⁴ AV1.8

⁶⁹⁵ HF/5/2 Appendix 2; CD 6.3 paragraphs 6.3.34 - 6.3.35, 6.4.1 - 6.4.2; HF/5/2; HF1.9 Section 3

⁶⁹⁶ HF1.20 paragraph 10.104

⁶⁹⁷ HF/5/2 Appendix 3 Drawing Number 102

⁶⁹⁸ HF1.17 (also submitted to the Core Strategy Examination in Public)

⁶⁹⁹ HF/2/4 Appendix R/3; HF/3/2 Appendix I

-
- (c) Paragraph 9: *'..... has no particular visual interest and proper landscape buffers could ameliorate the impact of new building on adjoining settlements'*. That conclusion was reached in the knowledge of the Concept Plan for the site, including the provision of two neighbourhoods with the western neighbourhood comprising an extension of Stoke Mandeville.⁷⁰⁰ *'Proper landscape buffers'* form part of the current proposal;
- (d) Paragraph 11: *'there are no biodiversity issues of any material significance*;
- (e) Paragraph 12: *'In general the agricultural quality of the land* would not be a determinative factor';
- (f) Paragraph 14: *'the amount of housing and its proximity to the villages would be such that the community identity would easily be lost* but by their nature, the larger settlements affected, e.g. Stoke Mandeville and Weston Turville, would remain as significant entities and have greater critical mass to withstand overpowering encroachment'. It is clear that the Inspector was satisfied that Hampden Fields would not lead to the loss of community identity;
- (g) Paragraph 15: *'public opinion would undoubtedly favour an option including Fleet Marston, which is distanced from existing communities'*. Nonetheless, Hampden Fields was still found to be the best performing of all the proposals with the conclusion that it should be included in any strategy;
- (h) Paragraph 16: *'The Council has included sites susceptible to flooding on the grounds that alleviation works would deal satisfactorily with existing problems as well as those created by the new development, creating a benefit which satisfies an important strategy objective'*. Hampden Fields was seen then to, and would now, directly deliver significant town wide benefit in that respect;⁷⁰¹
- (i) Paragraph 17: *'The South East Plan housing and employment targets will almost certainly require further capacity on the road network in Aylesbury* the Core Strategy is clearly predicated on the provision of the Eastern Link Road, which the Council say is necessary in any event, whichever development site options are chosen. This position was generally accepted by a number of representors and there was no firm evidence to the contrary';
- (j) Paragraph 18: *'..... the Council's transport modelling incorporated what could be considered to be pessimistic assumptions about likely changes in modal share* this indicates substantial scope for other measures such as park and ride and improved bus accessibility, to generate greater reductions in the numbers of cars travelling into [the] centre'. These objectives would be met or funded as part of the Hampden Fields proposals; and
- (k) Paragraph 20: *'..... not all the Eastern Link Road is classed as essential infrastructure*'.⁷⁰² In that respect the Inspector looked for further modelling to be carried out to consider the transport effects across the whole of the town, including combining Hampden Fields with Fleet Marston and one other site.

4.11 In conclusion, the Core Strategy Inspector gave unqualified support for Hampden Fields as a proposal to meet the growth requirement and one supported on the principles of development now proposed.

⁷⁰⁰ AV1.46 Diagram 9 (pages 48 - 49)

⁷⁰¹ HF1.20 paragraph 7.3; HF/3/2 Appendix S paragraphs 2.3 – 2.5

⁷⁰² AV1.78 paragraph 4.11: *'..... the single highest priority for infrastructure in Aylesbury is the ELR'*

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- 4.12 Whilst those conclusions were reached on the evidence available, and as part of a different process, they represent a highly material consideration, which provides significant support to the conclusion that Hampden Fields would be appropriate as a sustainable urban extension to meet identified development requirements whether considered on its own merits or in comparison with other proposals, including in particular Fleet Marston.
- 4.13 Those principles and their endorsement then formed part of the extensive pre-application and post-application discussion with officers attracting their continued support (referred to above). It should also be noted that the Hampden Fields Environmental Impact Assessment and its supplement are comprehensive and have not been subject to any meaningful criticism from any other party.⁷⁰³

Hampden Fields: a sustainable urban extension

- 4.14 Although the site comprises undeveloped land forming part of the countryside, it is an area which is strongly influenced by its urban containment.⁷⁰⁴ There is a significant existing community infrastructure which, together with the proposed community infrastructure, would support interaction between communities and an overall development that would be both inclusive and accessible. These are the essential characteristics underpinning the sustainable use of existing and proposed community resources.⁷⁰⁵ Community containment and inclusiveness is specifically supported in the National Planning Policy Framework and the Vale of Aylesbury Plan.⁷⁰⁶
- 4.15 The existing footpath and cycle network, which is extensive, would be comprehensively enhanced with benefit to the community as a whole. Similarly, existing public transport provision (including provision for buses and access to railway stations at Stoke Mandeville and in the town centre) would be the subject of major enhancement, again with benefit for the community as a whole.⁷⁰⁷ That would include the introduction of new services and infrastructure improvements along the A41 Aston Clinton Road/Tring Road Primary Public Transport Corridor.
- 4.16 It is proposed to provide some 103.1 hectares of green infrastructure which would: -⁷⁰⁸
- (a) integrate with existing provision;
 - (b) serve both the existing and proposed community linking with Bedgrove Park, the golf course, and other recreational provision;⁷⁰⁹
 - (c) significantly enlarge the areas available for public access and enjoyment;

⁷⁰³ HF 1.1; HF1.4; HF1.5

⁷⁰⁴ HF/4/1 paragraphs 4.5.9 – 4.5.11; HF1.9 Figures 2.2 & 2.6 (pages 16, 20)

⁷⁰⁵ HF1.9 Figures 2.15 & 2.16 (pages 37 - 38); CD 6.21 SOCG15 Appendices A1 – A6; HL/2/1 Table (page 11) & Figures 1 - 5

⁷⁰⁶ CD 4.1 paragraphs 69 - 70, 73; AV1.61 Policy VS1 iv. d) (page 18)

⁷⁰⁷ CD 6.21 SOCG17 Tables 2.1 - 2.3 (pages 9 - 10); & Sections 4, 6 & 8

⁷⁰⁸ HF1.9 pages 102 - 121; HF7/4 Map 2

⁷⁰⁹ AV1.36 paragraphs 3.91 – 3.92, 3.10.1 (neither Bedgrove Park nor the golf course were being regarded as part of the urban area)

-
- (d) form part of the existing countryside;⁷¹⁰
 - (e) flow through the new neighbourhoods and between Bedgrove and the new neighbourhoods providing extensive semi-natural areas (46.86 hectares), including the local nature reserve of 17 hectares;⁷¹¹ and
 - (f) recreational uses also forming part of the countryside.
- 4.17 This would extend, and significantly enhance, the areas for access to the countryside and for recreation for both existing and proposed residents. Although there would be change, and to an extent loss, it would be wrong to treat that as wholly negative and without taking into account the very considerable benefits of that provision.
- 4.18 Moreover the proposals are accepted⁷¹² to address the need for a strategic accessible greenspace (over 20 hectares) within 2 kilometres of the southern edge of Aylesbury. It would also deliver at least three of the flagship projects within the Aylesbury Vale Green Infrastructure Strategy (the Aylesbury Linear Park, the Local Nature Reserves and Trees Please).⁷¹³
- 4.19 The Green Infrastructure Strategy places particular emphasis throughout on community accessibility to green infrastructure, which would be delivered with Hampden Fields.⁷¹⁴ Furthermore, the strategic accessible greenspace would not only conserve landscape character and resources but provide a major recreational asset on the southern Aylesbury periphery delivering Action 3 and Policy L8 of the Chilterns Area of Outstanding Natural Beauty Management Plan.⁷¹⁵

Masterplanning

- 4.20 The masterplanning approach includes: -
- (a) account of and respect for the character of the area, including layout and styles together with the overall density;⁷¹⁶
 - (b) adopting the garden suburb approach and through a density of 34 dwellings per hectare allowing greening of development areas and design flexibility including landscape treatments and variations in height, scale and massing;⁷¹⁷
 - (c) the considerable benefits of the location in terms of its urban context and natural features providing a structure and sense of place to the development; in particular: -

⁷¹⁰ As green infrastructure it would remain as part of the countryside; AV1.18 page 4 describes green infrastructure as '..... a strategically planned network of high quality multi-functional greenspaces and interconnecting links and other environmental features designed, developed and managed to meet the environmental, social and economic needs of communities. It is set within and contributes to a high quality natural, historic and built environment and enhances the quality of life for both current and future residents and visitors'

⁷¹¹ HF/7/1 paragraph 3.66; HF1.9 page 104

⁷¹² CD 6.3 paragraphs 6.3.27 - 6.3.28

⁷¹³ AV1.18 page 12 Area 2; HF1.9 page 104; HF/7/2 Appendix A paragraphs 2.6 & 12.3; The s106 includes £126,000 for strategic green infrastructure

⁷¹⁴ AV1.18

⁷¹⁵ AV1.52 pages 23, 25

⁷¹⁶ HF1.9 pages 47 - 61, 68 - 69, 81 - 141

⁷¹⁷ HF1.9 pages 82, 83, 92 - 98 (including Figures)

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- (i) the matrix of hedgerows and trees which can and would be reinforced and adopted as part of the layout and within the green infrastructure, enabling their reinforcement with the proposed buffers;⁷¹⁸
 - (ii) the features to be preserved as part of the green infrastructure, including the local nature reserve with its ridge and furrow, the water bodies and the north/south link encompassing the West End Ditch;⁷¹⁹
 - (iii) the relationship to and interaction and communication with the existing communities;
 - (iv) the opportunities for views out including views to the Chilterns Area of Outstanding Natural Beauty;⁷²⁰ and
 - (v) the biodiversity benefits included as part of the green infrastructure, tree management and the planting of black poplars;⁷²¹
- (d) sustainability, both in terms of achieving Code 4 of the Code For Sustainable Homes and provision for renewable energy;⁷²²
- (e) the overall principles of the development with two neighbourhoods, each encompassing a local centre with the major centre within the eastern neighbourhood; employment provision orientated to the A41; and the park and ride;⁷²³ and
- (f) the green infrastructure would provide '*..... a degree of separation between the two neighbourhoods whilst also providing a critical multi-use space and integrating route network that links the two neighbourhoods inextricably together*';⁷²⁴ and physical separation from other communities, but, at the same time, extensive opportunities for a range of recreational purposes and activities including footpaths, cycleways and the road network which links the neighbourhoods and other communities together.

The Taylor Review⁷²⁵

4.21 The concern addressed in the Taylor Review is with unsustainable suburban extensions that do not provide necessary community infrastructure or related elements; such criticism cannot be levelled at the Hampden Fields proposal: -

*'Considerable development of the proposed layout has taken place to demonstrate that high quality design can be achieved in line with the NPPF help illustrate that incorporation of garden city principles can be achieved'*⁷²⁶

4.22 '*Doughnutting*' as described in the report has nothing do with sustainable extensions as proposed;⁷²⁷ Hampden Fields would benefit from good connections and it would exhibit the characteristics of '*good housing growth*' with particular reference to '*..... with public green and open space benefitting both new and old communities*'.

⁷¹⁸ HF1.21 paragraphs 4.6 – 4.10, 5.12 – 5.15, 6.27 – 6.33 (Buffers of a minimum of 10m wide & up to 15m where trees are retained); HF1.9 pages 99 – 101; HF1.20 paragraph 10.86

⁷¹⁹ HF1.9 pages 100 – 101, 104; HF/7/1 paragraph 3.68: HF/7/4 Map 2; HF1.21

⁷²⁰ HF1.9 pages 30, 99 - 123

⁷²¹ HF1.21 Section 6

⁷²² HF1.9 pages 162 – 165; HF1.11 paragraphs 4.2.17 – 4.2.19; HF1.12 paragraph 3.4

⁷²³ HF1.9 pages 76 - 77, 79 – 81, 88 – 91, 108 - 109, 148 - 149, 155 - 156, 158 - 159

⁷²⁴ HF1.9 page 81

⁷²⁵ BL1.55

⁷²⁶ HF1.20 paragraph 10.104

⁷²⁷ BL1.55 Fig 2.2 (page 63): '*Bad Housing growth: Doughnut development of tightly packed housing estates built up against the existing settlement with few additional shops, services or amenity*'

4.23 In any event, it should be noted that the government response⁷²⁸ did not suggest that there should not be sustainable urban extensions of existing urban areas; and that is made clear in subsequent support for urban extensions that follow the principles of Garden Cities.⁷²⁹

Delivery

- 4.24 The development of Hampden Fields would offer a number of benefits in terms of delivery: -
- (a) the site is in part of the urban area which is identified as particularly attractive in market terms to support residential and employment development; being noted as being of particular attraction for the former;⁷³⁰ and it is recognised as one of the best locations for employment development in the Aylesbury area;⁷³¹
 - (b) Hampden Fields would deliver infrastructure required as part of the development which is complementary to the strategic needs of the area; it would secure what is required in terms of road connection and improvement without detracting from its overall sustainability;
 - (c) the provision of a 'catch up' mechanism would link the provision of affordable housing via the increased viability margin of the development as a whole, including in excess of 35% in any phase by financial contribution to provision off-site and the return of any unused funds from the Strategic Transport Infrastructure Fund;
 - (d) the viability evidence is unchallenged;⁷³²
 - (e) Hampden Fields would provide a direct catalyst for the development of the Aston Clinton Road Major Development Area and the provision of the park and ride;
 - (f) a significant part of the land ownership, and particularly that affecting the first phases of development, is already in the hands of a major national house builder, Taylor Wimpey;⁷³³ and
 - (g) the net proceeds of sale due to Aylesbury College would go to charitable purposes, particularly supporting education in the locality.

Flood management

- 4.25 The Environment Agency has confirmed that the proposals are fully in accordance with National Planning Policy Guidance in respect of flood management policy subject to the implementation of the provisions of the approved Flood Risk Assessment.⁷³⁴
- 4.26 Although the majority of the appeal site is shown to be within Flood Zone 1 (low probability), the area within the immediate vicinity of its eastern boundary (along Wendover Brook) is within Flood Zones 2 (medium probability) and 3 (high probability) of the Environment Agency's Flood Map.

⁷²⁸ BL1.54 pages 37 - 38 (Recommendations 4 & 5)

⁷²⁹ CD 4.1 paragraph 52

⁷³⁰ HF/2/2 Appendix 6

⁷³¹ AV1.65 paragraph 7.127

⁷³² HF8/1; HF/8.2

⁷³³ HF8/1 paragraph 7.4

⁷³⁴ HF/3.2 Appendix S; HF.1.13

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- 4.27 There are also very small portions of the site that are shown to be at risk of flooding associated with Bedgrove Brook and West End Ditch.⁷³⁵ However, all of the built development would avoid the higher risk zones.
- 4.28 The surface water drainage strategy is based on the recognised principles of sustainable urban drainage systems. It would include the retention and improvement of existing watercourses within the site and the use of surface water drainage storage basins (as part of the green infrastructure) to restrict run-off to current rates. These measures would be guaranteed in perpetuity through subsequent public ownership.
- 4.29 The water attenuation measures would control flows within West End Ditch and Wendover Brook and form part of the wider flood alleviation strategy for Aylesbury resulting in at least a 10% reduction in peak flows to the town centre from the upstream catchment.⁷³⁶ The proposal would therefore deliver strategic flood defence measures, over and above the drainage needs of the development site, to the benefit of the broader community.

Hampden Fields Action Group

- 4.30 The Hampden Fields Action Group, who opposes the proposed development, is in essence a single-issue group concerned with preventing the Hampden Fields development. The level of opposition, in terms of the number of letters of objection, needs to be seen in the context of a highly effective marketing campaign. Many of the representations comprise pro-forma objection letters which were hand-delivered to a comprehensive spread of households and left in '*objection packs*' on the doorstep.⁷³⁷

The first preliminary main consideration: housing land supply

The level of housing required

- 4.31 There is nothing unusual or wrong in the Secretary of State considering the future housing requirements in a district where there is no up-to-date plan provision. Such an assessment is essential for the purposes of plan-making; but the housing position must, equally, be assessed when a planning application for housing development is considered.⁷³⁸
- 4.32 The exercise does not bind the Council so far as the future development plan is concerned. Accordingly, the decision maker must assess the unmet housing need in order to reach a view as to the acceptability of the development proposed.
- 4.33 Such an assessment would not predetermine the Vale of Aylesbury Plan process; and the decision maker may have regard to each of the parties' expert views in addition to the Council's evidence base in coming to a conclusion on the appropriate housing requirement.⁷³⁹

⁷³⁵ HF1.13 Executive Summary & paragraph 2.33

⁷³⁶ HF/3.2 Appendix S paragraphs 2.2 - 2.3

⁷³⁷ HFAG/PY paragraphs 1.4 - 1.5; HF1.42

⁷³⁸ Higginbottom J in *Stratford on Avon DC v SSCLG* [2013] EWHC 2074 paragraphs 36 – 39, 44

⁷³⁹ Higginbottom J in *Stratford on Avon DC v SSCLG* [2013] EWHC 2074 paragraph 39

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- 4.34 The Consortium's position is that the Council's analysis fails to reflect the true unmet need to enable Aylesbury to fulfil its economic potential. The Vale of Aylesbury Plan figures would stifle, rather than drive, growth and they are not '*objectively assessed*' in accordance with the National Planning Policy Framework.
- 4.35 It is common ground that the following approach to the assessment of the housing supply should be adopted: ⁷⁴⁰
- (a) identify the appropriate housing requirement for the purposes of the Inquiry;
 - (b) identify the resulting '*baseline*' five year requirement (i.e. without the buffer set out in paragraph 47 of the National Planning Policy Framework);
 - (c) identify whether there is any surplus or shortfall since the base date on which the requirement ought to be adjusted;
 - (d) apply the appropriate buffer set out in paragraph 47 of the Framework;
 - (e) assess the available supply for the five year period against this sum; and
 - (f) consider whether there is an identified supply for the ten or fifteen years period of specific developable sites or broad locations.
- 4.36 The Council has erred in its approach (in relation to the Vale of Aylesbury Plan and also in identifying the housing requirement for the Inquiry) in focussing on constrained demographic-based projections, rather than embracing the economic-led projections which are consistent with the plan's strategy and objectives, and national policy.
- 4.37 The issue is brought starkly into focus when looking at the Council's model outputs under '*PROJ Y – VAP*'. ⁷⁴¹ Not only does the overall growth in labour force (6,225) fall short of the projected job growth in the submitted Vale of Aylesbury Plan (15,100) by nearly 10,000, ⁷⁴² but this is heavily weighted to people in the 55-64 and 65+ categories and almost entirely in the first five years of the plan period, with an essentially static, aging labour force projected beyond 2016. ⁷⁴³
- 4.38 That cannot be a sound basis for planning for sustainable economic growth in Aylesbury. As the Council acknowledges, '*the availability and access to an appropriately skilled workforce has become the single most important criteria for businesses and it is rising in importance*'. ⁷⁴⁴
- 4.39 The Council's approach appears to be based on a self-serving and evidently politically driven attitude ⁷⁴⁵ that, historically, there is said to have been an oversupply of housing in Aylesbury and jobs have failed to come forward to match, thereby exacerbating out-commuting. ⁷⁴⁶ However, there is no evidence to support the view that these commuting patterns could be changed, not least by reducing the supply of housing. ⁷⁴⁷

⁷⁴⁰ AV/PJ/5.3R page 5 & Appendix A (page 3)

⁷⁴¹ HF1.28

⁷⁴² Approximately 16,000 jobs (the pipeline (9,100) + provision in the plan (6,000))

⁷⁴³ AV1.64 paragraph 6.14 notes the importance of securing the pool of labour in the younger age groups

⁷⁴⁴ AV1.64 paragraph 6.4

⁷⁴⁵ It was confirmed that the decision to adopt 6,000 homes for the VAP was a '*political decision*'

⁷⁴⁶ AV1.64 page 23 - There is currently an out-commuting ratio of 1.24 and a jobs density of 0.71

⁷⁴⁷ AV/JG/2.2 paragraph 2.22: The Council's projections result in fewer houses per year than the actual trend of past completions (844 per annum)

4.40 In this regard, there is a clear earnings differential between Aylesbury and London and Milton-Keynes;⁷⁴⁸ and no significant changes in commuting patterns over the last decade.⁷⁴⁹ Indeed, the Housing and Economic Growth Assessment acknowledges that *'..... the evidence suggests quite limited potential to reduce out-commuting from the District'*.⁷⁵⁰ Encouraging people to live, as well as work, in Aylesbury is the only sensible means to prompt economic growth in Aylesbury, and consequently reduce the attractiveness of out-commuting to higher-value jobs elsewhere.

The economic requirement

- 4.41 Housing need cannot in policy terms, or in reality, be looked on in isolation from economic growth. Providing houses is part of the overarching *'economic role'* which underpins sustainable economic development to deliver the homes, business, infrastructure and thriving local places that the country needs.⁷⁵¹
- 4.42 The National Planning Policy Framework is clear that the planning system must do *'everything it can'* to support sustainable economic growth. Its policies provide minima, not maxima, so that local authorities should meet the *'full, objectively assessed needs for market and affordable housing in the housing market area'*.⁷⁵² There is no restriction on an authority going beyond that.
- 4.43 The importance of securing economic growth is also supported in the submitted Vale of Aylesbury Plan.⁷⁵³ It is recognised that the Council's Economic Development Strategy has a symbiotic relationship with the plan; which itself notes a number of strengths supporting economic growth including: - an excellent strategic location; availability and access to an appropriately skilled workforce; planned future growth (through the Vale of Aylesbury Plan); availability of employment locations; quality of life; and an above average rate of new firm formation and business survival.⁷⁵⁴
- 4.44 In their recommendations to cabinet, officers consistently advised that 6,000 additional new jobs was the absolute minimum (and that advice has been accepted by the Council).⁷⁵⁵ The 15,000 jobs⁷⁵⁶ in the Vale of Aylesbury Plan are considered by the Council to be realistic.
- 4.45 The Council's Economic Development Strategy has its foundation in Aylesbury Vale's Housing and Economic Growth Assessment,⁷⁵⁷ which provides strong support for economic growth in Aylesbury. It endorses the view that the Cambridge Econometrics projections (PROJ 5) paint a much more realistic picture of the future Aylesbury economy than those provided

⁷⁴⁸ AV1.20 paragraphs 4.94 - 4.95, 12.19 - 12.22 (Annual differential from Aylesbury Vale: Milton Keynes +£512; City of London +£11,287)

⁷⁴⁹ AV1.62 paragraph 2.27

⁷⁵⁰ AV1.20 paragraphs 12.20 - 12.21

⁷⁵¹ CD 4.1 paragraphs 7, 9, 17 (3rd bullet point), 18 – 21 & 47

⁷⁵² CD 4.1 paragraphs 19, 47

⁷⁵³ AV1 AV1.61 pages 10, 12

⁷⁵⁴ AV1.64 paragraphs 6.3 - 6.8, 6.14

⁷⁵⁵ AV1.21 – AV1.24

⁷⁵⁶ Made up of pipeline 9,100 jobs and 6,000 new provision

⁷⁵⁷ AV1.20

by Experian (PROJ 6);⁷⁵⁸ and it concludes that a realistic range of options would fall between PROJ 4⁷⁵⁹ and PROJ 6⁷⁶⁰ requiring between 11,800 – 20,700 homes (i.e. 590 – 1035 homes per annum).⁷⁶¹ The lower figure is based on there being no employment growth; and it will be noted that the Vale of Aylesbury Plan provision of 675 dwellings per annum is close to the bottom end of the range.

4.46 The Aylesbury Vale Employment Land Review Update draws on the above⁷⁶² and notes that *'there is a particular need for a strong economic growth strategy to support significant planned housing growth'*.⁷⁶³ A key strength of the district's economy is its strategic location, particularly relative to London and key motorway corridors. There are a number of clear economic growth opportunities including population growth to support economic growth in its own right and growth in the workforce, and significant residential development particularly at Aylesbury.⁷⁶⁴

4.47 In the context of Hampden Fields, the Review recommends that land to the north of the A41 within the Aston Clinton Road Major Development Area continues to represent a suitable and commercially attractive location for a modern, high quality business park: - *'..... (indeed one of the best locations for employment development within the Aylesbury area) given its strong strategic road access, located close to the end of the A41 Dual Carriageway, the potential for local services to be delivered alongside major development and public transport access to Aylesbury Town Centre'*.⁷⁶⁵

4.48 Against that background, the Updated Demographic Projections Report assesses the Vale of Aylesbury housing provision against the economic requirement: -⁷⁶⁶

*'The projections estimate that delivery of 13,500 homes over the 2011-31 period would support growth in the number of residents in employment in the Vale by around 4,800 (5.3%). This falls below forecasts for employment growth. The 2011 econometric forecasts (PROJ 5 and 6) projected growth in employment in the Vale of between 12.5 – 16.0% over the plan period The 2013 econometric projections (PROJ 6a and X) indicate that based on more recent performance and trends, employment growth could be moderately stronger, suggesting growth of between 14.4 – 20.7% over the plan period.'*⁷⁶⁷

..... The employment growth projections in the 2011 forecasts could be achieved in the Vale if the jobs density in the District was to increase to the regional average through a reduction in net out-commuting, although the extent to which this can be achieved will be influenced by the commuting pull and future economic performance of larger employment centres such as Milton Keynes and London'.

⁷⁵⁸ AV1.20 paragraphs 11.18, 11.31

⁷⁵⁹ zero employment growth

⁷⁶⁰ the Experian employment growth forecast

⁷⁶¹ AV1.20 paragraph 18.24

⁷⁶² AV1.65 paragraphs 6.2, 6.6

⁷⁶³ AV1.65 page 9 (paragraph 1 – unnumbered)

⁷⁶⁴ AV1.65 paragraphs 5.4, 5.12

⁷⁶⁵ AV1.65 paragraph 7.127

⁷⁶⁶ AV1.62 paragraphs 5.5 - 5.6

⁷⁶⁷ The text erroneously states 1.4%. The correct figure is drawn from Figure 26 (page 35)

- 4.49 Although the second Updated Demographic Projections Report (May 2013)⁷⁶⁸ states that the provision of 13,500 homes in the Vale of Aylesbury Plan would support growth below that forecast in the Housing and Economic Growth Assessment, it subsequently asserts that the economic projections *'look high relative to past trends and particularly set against an economic context whereby the UK economy has been struggling to post ant growth since 2010'*. It also identifies the possibility of a change in commuting dynamics which appears to be premised solely on a core objective of the Vale of Aylesbury Plan to reduce out-commuting.⁷⁶⁹

The South East Plan

- 4.50 The consulted-upon and tested evidence base for the South East Plan⁷⁷⁰ provides at least a starting point for considering the appropriate housing level for Aylesbury. Although the plan has been revoked, and its figures were arguably not based on the type of *'objective assessment'* as anticipated by the National Planning Policy Framework, that does not make its evidence base irrelevant.⁷⁷¹
- 4.51 It is important to note that the plan provided an integrated approach across the region;⁷⁷² it focused specifically on the needs of Aylesbury;⁷⁷³ and, omitting the Milton Keynes component, set an annual requirement of 1,075 dwellings for the purposes of assessment.⁷⁷⁴ Although this is significantly more than the figure proposed in the Vale of Aylesbury Plan (675) it is broadly consistent with the Consortium's assessment of an annual requirement of 1,000 dwellings.⁷⁷⁵

The Vale of Aylesbury Plan

Introduction

- 4.52 Minimal weight can be attached to the submitted Vale of Aylesbury Plan given the nature of the unresolved objections and their substance. Those objections include objections from all but two of the neighbouring local authorities;⁷⁷⁶ in particular that the level of housing is too low and does not take into account any potential need to make up a shortfall from neighbouring authorities who have a far more constrained ability to provide sites for housing development than Aylesbury.⁷⁷⁷ Moreover, the projections show either too little growth in the labour force, based on the Council's modelling,⁷⁷⁸ or a decline in the labour force.⁷⁷⁹

⁷⁶⁸ AV/JG/2.2

⁷⁶⁹ AV/JG/2.2 paragraphs 5.5, 5.11, 5.13, 5.15

⁷⁷⁰ CD 3.1; CD 4.3; HL/CH/4.2 Appendix 2.3 paragraph 29

⁷⁷¹ CD 5.17 paragraph 11 (APP/J0405/A/12/2188868)

⁷⁷² CD 3.1 page 17: *'..... co-coordinated effort and cross-boundary working'*

⁷⁷³ CD 3.3 paragraph 23.2: *'Key challenges facing this sub-region are how to strengthen the economic and employment role of Aylesbury town, attract knowledge-based industries and reduce its dependence on out-commuting'*

⁷⁷⁴ HF/2/2 Appendix 2 paragraph 2.14

⁷⁷⁵ HF/2/1 paragraph 3.33

⁷⁷⁶ CD 9.1 – CD 9.11

⁷⁷⁷ AV1.61, paragraphs 4.14 – 4.16: The *'contingency'* clauses are not NPPF compliant

⁷⁷⁸ AV/JG/2.2 PROJ Y Figure 24 (page 34); HF 1.28

⁷⁷⁹ HF/2/2 Appendix 2 Table 4.2 (based on 675 dwellings per annum)

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- 4.53 Either way, the reality would be too few local people of working age to support the job growth and little incentive for firms to move to Aylesbury. Quite simply, the submitted housing provision would present a constraint on economic growth, contrary to the government's policy and the Council's own economic projections set out above.
- 4.54 Aylesbury needs significant in-migration to support job growth and this can only be achieved by increasing the housing supply over and above the levels currently proposed in the submitted Vale of Aylesbury Plan.

Demographic-based projections

- 4.55 Even when looking at demographic (rather than economic) projections, the Council's modelling has significantly under-estimated the likely future population in the district. As a number of Aylesbury's neighbouring authorities have noted, the household projections (Department for Communities and Local Government), based on the 2011-based population projections (Office for National Statistics), indicate a figure of around 1,000 dwellings per annum for Aylesbury.⁷⁸⁰
- 4.56 Although the Council has criticised the population projections as 'wrong' (in relation to the treatment of in-migration to Aylesbury since 2001) the exercise, by its nature, includes estimation.⁷⁸¹ The purpose of these latest projections is to inform decisions (including those as to future planning and development);⁷⁸² and are accepted to be the 'best available'.⁷⁸³
- 4.57 The point at issue (between the Council and the three appellants) is the treatment of the 'other unattributable' factors that the Office for National Statistics has applied in revising the sub-national population estimates for mid-2002 to mid-2010 to a level that is consistent with the outturn of the 2011 census (published in April 2011): -⁷⁸⁴
- 'The other component in each LA is likely to be due to a combination of potential inaccuracies in any of the following: internal migration; international migration; the mid-2001 population estimates; the 2001/2011 Census estimates; prisoner definitions; and any other component of population estimates over the decade'.*
- 4.58 It is not possible to know which of those factors make up the 'other' component in Aylesbury, and to what degree, or at what stage, it affected the estimates. Indeed, both the mid-year estimates based on the 2001 census and the results to date of the 2011 census contain elements of estimation.
- 4.59 Against the overall numbers of population in 2001 and 2011 and in- and out- migration in the period, the 'other unattributable' component is relatively small and could be made up of relatively minor differences in a number of factors. In addition, the Office for National Statistics has split

⁷⁸⁰ CD 9.9; CD 9.10

⁷⁸¹ HF1.30

⁷⁸² HF1.35 page 2; HF1.36 pages 2 - 3

⁷⁸³ HF/2/2 Appendix 2 Annex 8: 'Household projections are used by local authorities in preparation of development plans The household projections are quality assured by an independent group of expert advisors and user representatives'

⁷⁸⁴ HF/2/2 Appendix 2, Annex 9, pages 12 - 13

the 'other' component evenly across the decade, as it is not possible to know when the difference between the mid-year estimates and the 2011 census outputs occurred.⁷⁸⁵

- 4.60 The Council's assumption that the totality of the 'other unattributable' component is international and internal migration assumes that every other component of population change, including the start and end population estimates (i.e. from the census), is essentially accurate. However, this is unrealistic in light of clarification sought from the Office for National Statistics: -⁷⁸⁶

'As we cannot be certain whether or not the 'other unattributable' relates to migration, it would seem sensible to exclude it from migration trends'.

- 4.61 The difference is that, instead of 781 in-migrants per year for the five years 2008-12, the average annual net migration is better assessed as 1,238 in-migrants per year for that same period (albeit it is recognised that the actual figure may fall somewhere in the middle ground).⁷⁸⁷

- 4.62 Taking an annual net in-migration rate of 1,200 people per annum, the projected housing requirement (using the Chelmer Model)⁷⁸⁸ would be 19,677 dwellings across the plan period (approximately 1,000 dwellings per annum); some 48% above the Council's proposed target.⁷⁸⁹

- 4.63 The Office for National Statistics' Mid-Year Estimate for 2012⁷⁹⁰ indicates a rise in net migration in the last year totalling 2,027;⁷⁹¹ which might be as a result of the high level of house completions in Aylesbury in 2011/12 and 2012/13.⁷⁹²

- 4.64 Although the Council sought to place no reliance on the 2012 estimates (as a new set of 'guesstimates') the relevant Statistical Bulletin sets out: -⁷⁹³

'The mid-year population estimates are essential building blocks for a wide range of National Statistics they are an important input for a wide number of economic and social statistics'.

However, there is nothing in the alternative; and there is no reason why the estimates for 2007 – 2011 should be treated as more credible, or carry more weight, than the other mid-year estimates and, in particular those for 2012, which immediately followed the census and accordingly are likely to be less subject to error.⁷⁹⁴

⁷⁸⁵ HF/2/2 Appendix 2, Annex 9, page 12

⁷⁸⁶ HF1.24

⁷⁸⁷ HF/2/4 Appendix R/1 paragraph R2.6

⁷⁸⁸ The Chelmer Model is commended in CLG's SHMA Guidance (CD 7.29) - the Council's commissioned model is not commercially available and has not been subject to peer review

⁷⁸⁹ HF/2/2 Appendix 2, Table 4.1 (page 18) & paragraph 4.11

⁷⁹⁰ HF1.34 page 7: 'based on the 2011 mid-year estimates published in September 2012, with the resident population aged on'

⁷⁹¹ HF 1.29: 1,975 (excluding 52 'other including unattributable')

⁷⁹² Albeit it was accepted that the correlation was not strong

⁷⁹³ HF1.34 page 2

⁷⁹⁴ HF1.30 page 11

Economic-based projections

- 4.65 The economic-led scenarios for the Vale of Aylesbury Plan show ranges of housing requirement between 891 and 1,294 dwellings per annum (updated in April 2013)⁷⁹⁵ or between 832 and 1,219 dwellings per annum (updated in May 2013).⁷⁹⁶ These projections centre on the Consortium's middle ground of approximately 1,000 dwellings per annum.
- 4.66 The Council's economic projections provide similar annual housing numbers of 832 - 1,073 dwellings.⁷⁹⁷ However, it is admitted that if the existing commuting ratio of 1: 1.24 remained constant (rather than the assumed 1:1 ratio) the levels of housing provision required to support the economic-led scenarios would be higher;⁷⁹⁸ notably, in a range of 920 and 1,219 dwellings.⁷⁹⁹ The latter is the more realistic given the practical difficulties in reducing out-commuting.⁸⁰⁰
- 4.67 Reliance on economic projections is supported by the submitted Vale of Aylesbury Plan and the National Planning Policy Framework, with its economic focus. It is also notable that the Council's cabinet, in setting a housing figure of 6,000 additional dwellings (reduced from 9,000), expressly upheld the economic focus of the plan.⁸⁰¹
- 4.68 Despite this, the Council sought to break the link between jobs and homes, essentially setting the lowest housing figure possible.⁸⁰² However, there is no objective evidence to justify that position; it cannot be sound planning; and it was a political decision which ran counter to the policy approach in the National Planning Policy Framework.

Conclusion on identifying the appropriate requirement

- 4.69 The various model projections present a range of possible outcomes, from which a judgement can be made as to the proper requirements for the area. If the Council's approach is accepted, there would be a projected labour force constraint on job growth in Aylesbury (6,225);⁸⁰³ with an actual decline in the labour force of 1,696 people on the Consortium's modelling;⁸⁰⁴ or a decline of 2,341 based on Hallam's modelling.⁸⁰⁵ Whichever is right, this is not a sufficient basis for economic growth.
- 4.70 The Council's doubts about the likelihood of achieving the 6,000 new jobs planned in the submitted Vale of Aylesbury Plan emerged only in connection with the preparation of its case for this Inquiry.⁸⁰⁶ This is at odds with the strong potential locations for future employment, such as at Aston Clinton Road Major Development Area.⁸⁰⁷

⁷⁹⁵ HF/2/1 Table 3.2 (page 29)

⁷⁹⁶ HF/2/4, Appendix R/1 paragraph R2.17 & Table R2

⁷⁹⁷ PROJ 5: 832; PROJ 6: 934; PROJ 6a: 1,073; PROJ X: 892

⁷⁹⁸ AV/JG/2.2 paragraph 4.17

⁷⁹⁹ HF1.40

⁸⁰⁰ AV1.20 paragraphs 12.20 - 12.21

⁸⁰¹ AV1.23 paragraph 4.79; AV1.24 page 9

⁸⁰² AV1.24 page 4 (final bullet)

⁸⁰³ PROJ Y: AV/JG/2.2 Figure 24; HF 1.28

⁸⁰⁴ HF/2/2 Appendix 2, Table 4.2 (page 19) (based on 675 dwellings / annum)

⁸⁰⁵ HL/CH/4.1 Appendix 2 Table 26 (page 61)

⁸⁰⁶ AV/JG/2.2 paragraph

⁸⁰⁷ AV1.65 paragraphs 7.125 - 7.127

- 4.71 Moreover, consideration of employment trends from 1997 – 2012 shows a strong increase of at least 14,000 people in full-time equivalent employment (corresponding to at least 18,000 over the plan period).⁸⁰⁸ There is no reason to doubt that such an increase can be achieved – or at least should be planned for – in the coming period.
- 4.72 What is clear is that restricting housing growth would in turn hinder job growth. The Council's approach assumes, unrealistically, that all new jobs would inevitably be taken up by new residents in Aylesbury.⁸⁰⁹ That cannot be so, and it can only be by applying economic factors that the decision maker could be confident that an objective assessment of housing need has in fact been achieved. The Consortium's overall assessment of 1,000 dwellings per annum can be seen to be a robust and reliable indicator of housing need.

Assessment of the five years requirement

The buffer

- 4.73 The Consortium has considered it an unnecessary complication to seek to back-date the submitted Vale of Aylesbury Plan housing requirement to 2011 in order to identify whether there has been any shortfall in the preceding supply. Given the uncertainty over whether the plan will in due course be considered sound, there can be no basis for assuming any 'surplus' in requirement at the current time in reliance on yet-to-be-set housing provisions.⁸¹⁰
- 4.74 The relevant annual housing requirements in past years have been those contained in the Structure Plan (1,000 dwellings) and the South East Plan (1,345 dwellings); they have not been met in any given year.⁸¹¹ Thus, the Council has a record of persistent under-delivery against its housing requirements; and the 20% buffer required by the National Planning Policy Framework should apply.⁸¹²

Assessing the adequacy of the supply

- 4.75 The Council's calculation of supply for the five year period, from March 2013, is 4,461 dwellings.⁸¹³ This includes 370 dwellings from Land East of Aylesbury; despite a resolution to grant planning permission in March 2012 the decision was only issued on 5 December 2013.⁸¹⁴
- 4.76 There are also concerns over the deliverability of 30 dwellings forming part of the Aston Clinton Road Major Development Area; and 108 dwellings from two of the outstanding allocations of the Aylesbury Vale District Local Plan. Despite their limited size, and almost immateriality to the overall assessment, they should be treated with caution in a robust assessment.⁸¹⁵

⁸⁰⁸ HF1.37A

⁸⁰⁹ AV1.62 paragraph 2.25

⁸¹⁰ AV/PJ/5.4a

⁸¹¹ HF/2/2 Appendix 2 Table 5.1

⁸¹² CD 4.1 paragraph 47

⁸¹³ AV/PJ/5.3R Table (page 5); AV/PJ/5.4a page 3

⁸¹⁴ AV.1.145

⁸¹⁵ HF/2/2 Appendix 2 paragraphs 5.19 - 5.22

4.77 Accordingly, a realistic assessment of the five year supply would be 3,953 dwellings (4,461 – [370 + 30 + 108]). Adopting an annual requirement of 1,000 dwellings plus a 20% buffer would equate to, at best, a supply of 3.7 years. The housing trajectory based on a 1,000 dwelling requirement has not been challenged;⁸¹⁶ and there is, thus, a pressing need for at least one large site to come forward to meet the need.

Prematurity

4.78 Policies VS7B and VS7C of the Vale of Aylesbury Plan make provision for the additional release of sites to meet its objectives or to secure key items of strategic infrastructure.⁸¹⁷ This is illustrated by the grant of planning permission for Land East of Aylesbury: -⁸¹⁸

'This transport infrastructure element is at the fore of decisions at Aylesbury and was a key factor in the Strategic Development Control Committee's decision to support the Aylesbury East major development scheme'.

4.79 Moreover, it is plain that had the Vale of Aylesbury Plan proceeded on the basis of 9,000 homes it would have required the release of a further site in the order of 3,000 dwellings.⁸¹⁹ In this case the implications of the release of Hampden Fields within the context of the plan has been subject to extensive sustainability appraisal;⁸²⁰ followed by public consultation;⁸²¹ and a supplementary sustainability appraisal of the proposed 9,000 additional homes and 6,000 new jobs recommended for approval in what was then the cabinet report.⁸²²

4.80 As with all the sustainability appraisals, the appraisal was expressly caveated because no site had been specifically identified to meet those requirements; a further sustainability appraisal was undertaken to consider the option of limiting new homes to 6,000; and, finally, following the decision to limit housing growth to this level, that option, including 6,000 new jobs, was subject to a further supplementary appraisal with the same caveat.⁸²³ Thus, it is plain that, generally, the environmental effects on the plan of the required additional provision have been subject to extensive Strategic Assessment as well as to public consultation.

4.81 Furthermore, the absence of any practical objection by way of prematurity is reinforced by the resolution, in March 2012, to grant planning permission for Land East of Aylesbury outside the local plan process. Although the site was expressly acknowledged not to be a commitment in August 2012,⁸²⁴ it has subsequently been included in the Vale of Aylesbury Plan.⁸²⁵ Its attributes are not obviously distinguishable from Hampden Fields.

⁸¹⁶ HF/2/2 Appendix 7 updated by HF1.39

⁸¹⁷ AV1.61 Policy VS7B/C (page 32)

⁸¹⁸ AV1.23 paragraph 4.74

⁸¹⁹ AV1.23 paragraph 4.108 (Table)

⁸²⁰ AV1.127

⁸²¹ AV1.60 Table (page 5); AV1.21 paragraphs 4.21 – 4.31

⁸²² AV1.128 Table (page 3)

⁸²³ AV1.128 paragraph 5.2; AV1.129 Appendix D

⁸²⁴ AV1.23 paragraph 4.103

⁸²⁵ AV1.61 Policy VS2 (A)(1), Table 2 page 22 & Footnote 10 (see also paragraphs 3.15 - 3.16, 3.18, 3.22)

The second preliminary main consideration: whether a financial contribution should be made towards the provision of premises, personnel and equipment sought by Thames Valley Police

- 4.82 The request by Thames Valley Police for a financial contribution towards police infrastructure (comprising £198,255 for two automatic number plate recognition cameras, a dedicated police community support officer, a community speed watch kit and four bicycles) has not been supported by a request from the Council for inclusion within a planning obligation.⁸²⁶
- 4.83 Clear guidance is provided on the approach to be taken in an appeal decision at Shinfield where the Secretary of State concluded: -⁸²⁷
- '..... as a covenant the proposed construction of the Neighbourhood Police Office building and its transfer to the community is outside the scope of the CIL Regulation tests. Regarding the contribution sought to cover equipment, a vehicle and the training of one police officer and one police community support officer the Secretary of State agrees that, given the SM4 SDL and other proposals are longstanding proposals of the development plan process, the level of local population growth should have been accounted for in the budget of Thames Valley Police area. He considers that the Inspector's conclusion that as such, in principle, there must be an existing funding source, is a reasonable one. He further agrees that it is not possible to conclude whether the sum requested is fairly and reasonably related in scale and kind He has therefore given no weight to this matter'.*
- 4.84 The provision of policing to every member of society as of right is secured under the Police Act 1996; funding is principally provided from central funds through the Home Office grant and in part from the police precept component of local Council Tax. The former is determined annually taking account of projected increases in population;⁸²⁸ the latter is determined annually, again with regard to changes in population; and it would increase as new dwellings are occupied.
- 4.85 It is apparent from the Police and Crime Commissioner's Revenue Budget and Capital Report that the precept takes into account changes in population; it anticipates expenditure and efficiency savings; and a forecasted increase in central government grant.⁸²⁹ It also records that there is no future funding gap despite forecasted nil entries from section 106 contributions.⁸³⁰ Accordingly, there is no evidence to support the premise that as a matter of principle there should be a contribution to ensure the provision of policing for Hampden Fields.
- 4.86 In terms of operational matters, Hampden Fields has been designed taking account of the need for people to feel safe and secure, and the principles of 'Secure by Design',⁸³¹ which would be well integrated with, and accessible to, the existing urban framework. There is no evidence of any policing plan for Hampden Fields and no explanation of any particular operational implications that would require special funding.

⁸²⁶ HF/2/2 Appendix 11

⁸²⁷ CD 5.19 paragraph 28 (Decision)

⁸²⁸ HF2/2 Appendix 11 (The Police Grant Report (England and Wales) 2013/14)

⁸²⁹ TVP/1 Appendix F page 3

⁸³⁰ TVP/1 Appendix F page 50

⁸³¹ HF/1/9 page 73 (paragraph 17)

- 4.87 In this regard, the request for a financial contribution was entirely generalised and theoretical;⁸³² and the items identified were equally without any evidential basis: -⁸³³
- (a) *On Site Facility*: although it is intended to provide a police facility as part of the community centre, there is no justification for requiring its provision;
 - (b) *Automatic Number Plate Recognition*: this is not a general requirement; it is not apparent why it should be required at Hampden Fields; it is not clear why it could not be funded from police funds; and there is nothing to show why Hampden Fields should be treated differently in policing provision in this respect;
 - (c) *Police Community Support Officer Funding*: there is no basis to suppose that Hampden Fields would require additional policing above the normal level within the wider community; and that funding could not be provided as part of the expected increase in population on the site;
 - (d) *Community Speed Watch Kit*: there would be nothing unusual about the location and design of Hampden Fields; and such provision would normally be a response to a demonstrable identified need for additional safety measures; and
 - (e) *Bicycles*: these are part of the normal equipment for the police as a whole; there is no justification why Hampden Fields should be treated differently from any other community and no basis for seeking what would in effect be a financial surcharge on this development.
- 4.88 Thames Valley Police, from the outcome of Shinfield, would or should have known clearly what would be required to support a demand for funding within the scope of Regulation 122 of the Community Infrastructure Levy Regulations. It has not put forward any direct operational evidence to support the request for funding; and it can be properly concluded that there is no such requirement or justification.
- 4.89 The National Planning Policy Framework does not provide any support for payments beyond that within Regulation 122; and the Aylesbury Vale District Local Plan has no specific policy requirement, other than design policies supporting sustainable development and specifically safety by design, which has been fully delivered as part of the design approach to the site.⁸³⁴
- 4.90 The other appeal decisions referred to by Thames Valley Police can be distinguished in that either the principle was not contested or the grounds raised here were upheld in the Shinfield decision. In the Lutterworth decision there was an existing obligation requiring a contribution towards the police provision.

⁸³² TVP/1 Appendix B (Worked Example)

⁸³³ TVP/1 Appendix B (Letter dated 30 May 2012 to AVDC)

⁸³⁴ HF1.9

The first main consideration: the landscape and visual effects

Assessment

- 4.91 Although Hampden Fields largely consists of countryside in agricultural use, it has significant benefits in being influenced and contained by the existing urban framework and, in effect, it is part of the urban fringe.⁸³⁵
- 4.92 The Stoke Mandeville – Weston Turville area has been assessed as having a '..... high capacity to absorb new development.....'.⁸³⁶ The wider Southern Vale landscape character type is noted to be 'densely settled' (compared with other areas adjoining Aylesbury) and 'the landscape has a moderate degree of sensitivity'.⁸³⁷ The site is also recorded to be within an area of lower sensitivity in the Council's Environment Character Assessment (2006).⁸³⁸
- 4.93 Moreover, within the 'Potential Development Areas around Aylesbury: Landscape Impact Assessment' land to the south-east of Aylesbury, which includes the appeal site, shows the residual impact of development would be minor/moderate and at the lower level of landscape impact.⁸³⁹
- 4.94 Specifically: -
- (a) the views from the Area of Outstanding Natural Beauty are typically expansive and Hampden Fields would be seen as part of the context provided by the containment of the urban area of Aylesbury (reflecting the 'settled character' of the Southern Vale), forming a 'slightly noticeable extension' (or, in the appellant's terms, a 'barely perceptible extension') with the difference merely a matter of degree;⁸⁴⁰
 - (b) the existing framework of trees and hedgerows, which would be reinforced and supplemented by the structural advanced planting (20 – 30 metres wide) would assist in the process of assimilation, coupled with the arrangement of lower building heights on the peripheries of the two neighbourhoods;⁸⁴¹
 - (c) the night-time visualisation from Coombe Hill, demonstrates that the proposed development would be seen within what is an essentially lit context without causing a change in character of the night-time panorama;⁸⁴²
 - (d) views to the Area of Outstanding Natural Beauty would be substantially preserved and extended as part of the green infrastructure and the garden city approach and would form part of the sense of place and attractiveness of the proposed development;
 - (e) generally, the landscape of the site is unremarkable,⁸⁴³ albeit forming part of the countryside, and the effects of development would be limited;

⁸³⁵ AV1.15 page 35; HF/4/1 paragraph 5.2.20; HF1.4 (Chapter 7) paragraphs 7.42 – 7.44; 7.59 – 7.60; 7.74; 7.79; 7.112

⁸³⁶ AV1.32 paragraph 3.8

⁸³⁷ AV1.33 Assessment Sheets 'LCA 5 Southern Vale (LCT 3)'

⁸³⁸ AV1.15 pages 34 - 37 & Plan D

⁸³⁹ AV1.35: Appendix A pages 16 - 19; paragraphs 9.1.5 – 9.2.2; AV1.36 paragraphs 4.4.4 – 4.4.6; AV1.19 pages 6 - 7

⁸⁴⁰ AV1.36 paragraph 4.4.4; HF/4/1 paragraph 4.5.21

⁸⁴¹ HF/4/1 paragraph 4.5.15; HF/4/2 Appendix 7 (Viewpoints 19 & 20)

⁸⁴² HF/4/2 Appendix (Viewpoint 1)

⁸⁴³ AV1.33 Appendix LCA 5 Southern Vale (LCT 3) page 1; BL1.52 Annex 3 (page 6) 'a rather undistinguished landscape'; AV/1.8 paragraph 9: 'no particular visual interest'

-
- (f) the candidacy of Hampden Fields for development is comprehensively and rigorously supported through the extensive evidence base prepared for the Core Strategy; there is nothing to suggest that committed sites (e.g. Berryfields MDA) were ignored;⁸⁴⁴ and there is no indication that the Core Strategy Inspector rejected the Council's evidence base; and
- (g) Barwood's written response to the Core Strategy Inspector's written questions recognised and welcomed the principles of the layout proposed (in the Supplementary Planning Document) for Hampden Fields, including the proposed green infrastructure running north-south.⁸⁴⁵
- 4.95 The landscape of Hampden Fields cannot properly be regarded as having 'rarity';⁸⁴⁶ although it is acknowledged that it is a 'valued landscape' for those who live locally and enjoy it as an agricultural landscape with footpaths across it. Inevitably, the proposed development would involve change and a number of those presently using the footpaths would be likely to regard that as detrimental; but the materiality of that, and the weight to be attached, is one of the factors to be weighed against the benefits that the development would bring, including significant recreational and related opportunities.
- 4.96 In this regard, although the character of the footpaths would change, as they pass through a variety of green spaces forming part of the development, they would have attractive attributes as well as providing significant opportunities for countryside access and enjoyment.⁸⁴⁷
- 4.97 The landscape of Hampden Fields is not designated and the proposed development would not significantly affect views from any designated area. In judging the effects on those living locally, it is also to be borne in mind that it is accepted that the amenities of existing residents would be properly protected as part of the proposed development.⁸⁴⁸ Overall, the appeal site landscape has a good capacity to absorb major development and could do so without material harm to the landscape.

Aylesbury Vale District Local Plan Policy GP.35

- 4.98 Policy GP.35 is located within a section of the plan concerned with 'Conservation of the built environment';⁸⁴⁹ and the policy itself is addressed to 'the design of new development proposals' requiring that they should 'respect and complement' a list of identified features, all of which would be met by the proposed development. It would also respect the design approach (set out in explanatory text preceding Policy GP.34 which has not been saved) in providing local distinctiveness respecting and complementing the character of its surroundings; and it would meet the identified objectives for siting and layout, scale and materials and design.

⁸⁴⁴ BL/CB/1.1 paragraph 5.4; AV1.33 paragraphs 1.5 & 3.10; Appendix 5 LCA 1 pages 1, 5 & 6; LCA5 page 1 & Plan C; AV1.36 paragraph 2.2.4; AV/JB/1.1.11 pages 3 - 4

⁸⁴⁵ BL1.52 Annex 3

⁸⁴⁶ CD 7.14 Box 5.1 (page 84)

⁸⁴⁷ e.g. HF1.4 page 109 Table 7.14; HF1.5 Appendix 7.8 (Photograph A); HF1.9 pages 104 - 105

⁸⁴⁸ CD 6.3 paragraphs 6.4.1 - 6.4.2; HF1.20 paragraphs 10.130 -10.132

⁸⁴⁹ CD 3.3 page 49 (Denoted by scale of font and block capitals)

The second main consideration: coalescence and settlement identity

Introduction

- 4.99 Hampden Fields would create a sustainable urban extension to Aylesbury, both in concept and delivery; and the two neighbourhoods would each have its own identity as part of the development. Whilst the western neighbourhood would form a physical extension of Stoke Mandeville, the established village would remain as a community with its own identity; there would be no effect on its historic core; and it would not harm its character or appearance.⁸⁵⁰
- 4.100 In addition, the western and eastern neighbourhoods would each be distinct and separated, both physically and in identity, from Bedgrove and the larger Aylesbury urban area, as well as from the housing along the A41 and the villages of Aston Clinton and Weston Turville.⁸⁵¹

The relationship with Stoke Mandeville

- 4.101 The layout principles include: -⁸⁵²
- (a) at the south-western part of the site, a semi-natural and community orchard open area to the east of Wendover Road with the retained and reinforced east-west hedgerow on the south side of the community orchard;
 - (b) the built development would begin on the northern side of the community orchard; there would be a substantial advanced structural planting belt;⁸⁵³ and the housing would, by deliberate design, adjoin the existing extended rear gardens of the houses on the eastern side of Wendover Road;⁸⁵⁴ and landscaping is proposed along the eastern boundary of the existing houses;
 - (c) further north, the housing would continue to adjoin the rear gardens of the existing development, with the green infrastructure corridor to the east, linking with the substantial area of open space and community orchard; and
 - (d) to the south of the Hampden Hall development, where the green infrastructure would link with the existing public open space on the east of that development before running through to link across the proposed east-west green infrastructure and Bedgrove Park.
- 4.102 Little, if any, criticism has been made of the actual masterplanning principles adopted in extending Stoke Mandeville as proposed. The point is more a matter of principle, founded on the premise that Stoke Mandeville is unsuitable for further extension; but that would conflict with the earlier endorsement of the Supplementary Planning Document and the conclusions of the Core Strategy Inspector.⁸⁵⁵

⁸⁵⁰ CD 6.3 paragraph 6.4.2; AV1.32 paragraph 4.2 & Figure 2.7

⁸⁵¹ HF1.9 paragraph 2.3, Figure 2.6 (page 20), Inset H (page 23), Inset J (page 24), Sections 6 – 8 (page 25), paragraphs 2.9, 3.4

⁸⁵² HF1.3h; HF1.9 page 75

⁸⁵³ HF1.9 page 170

⁸⁵⁴ HF/5/2 Appendix 2 page 53 paragraph 4

⁸⁵⁵ AV1.46; AV1.8

- 4.103 The extension of the developed area as proposed would not amount to 'coalescence' as properly defined in that it would not be development between two existing settlements. It would more properly be regarded as an urban extension forming an extension of an existing urban area. The question then arises whether the extension of one settlement would lead to coalescence with another which may in policy terms be objectionable.

The gap between Bedgrove and Stoke Mandeville

- 4.104 The communities of Stoke Mandeville and Bedgrove are physically apart with distinct identities despite their limited separation by a small gap on the eastern side of Wendover Road. It is intended that the gap would remain, linking through the proposed green infrastructure to the agricultural land on the western side of Wendover Road.
- 4.105 The opening up of the gap and provision of a road and landscaping within it would reinforce that openness. It is recognised that this gap could be further reinforced by omitting the proposed small group of houses in 'Parcel A' and replacement by landscaping (pursuant to additional condition A1)⁸⁵⁶ as part of the green infrastructure, together with the landscaping proposed for 'Parcel B' to the east.
- 4.106 On this basis, there would be no reason to suppose that the existing separation between Stoke Mandeville and Bedgrove would be weakened or eroded. On the contrary, the gap would be reinforced by positive landscaping and related benefits arising from the use of the green infrastructure with increased community access and inclusiveness.

The relationship with Weston Turville

- 4.107 Weston Turville as a settlement and community has its own identity and character;⁸⁵⁷ and none of that would be eroded by the proposal: -
- (a) there would be no material change in the land immediately adjoining the village to the north, comprising at present the recreation facilities and the golf course, with, to the west, the small paddock with its substantial hedgerow on the western side;
 - (b) the house at the northern end of West End, with the adjoining woodland and agricultural field, would be unaffected (and additional woodland is proposed to the north); and
 - (c) to the north-east of the village the extensive areas of agricultural land to the east of the golf course would remain unaffected.
- 4.108 In respect of the broader relationship between the village and Hampden Fields, the proposed development would not create visual connection with Weston Turville for the following reasons: -
- (a) a substantial sweep of countryside running both sides of New Road would remain linking with the proposed green infrastructure; and the provision of recreation facilities in this area would not be out of character;
 - (b) the paddock and the public footpath to the north-east of West End would remain visually unaffected; and where the footpath crosses the hedgerow

⁸⁵⁶ CD 6.19 – See also paragraph 2.211 above

⁸⁵⁷ AV1.33 Appendix LCA 5 Southern Vale (LCT 3)

further to the north, it would run through an extensive area of proposed green infrastructure;

- (c) the gap between Weston Turville and Stoke Mandeville would remain unaffected, save for a road into the site from Marroway; this would be perceived as separate from the proposed built development which would be set beyond the playing fields, other landscaped areas and the retained and reinforced hedgerows. The concept of separation between new and existing communities in this manner is well-established (and similar to the proposals on Land East of Aylesbury);⁸⁵⁸ and street lighting would be a matter for detailed approval; and
- (d) on Marroway, to the east of the road into the site, the agricultural field would be retained as at present; the sports fields would be set back beyond the proposed semi-natural green space and the substantial roadside hedge, which would be largely retained and supplemented with additional tree and shrub planting.⁸⁵⁹

The relationship with Aston Clinton Road

- 4.109 The proposed residential, employment and park and ride facilities on the north-eastern edge of Hampden Fields would include the provision of an extensive area of semi-natural greenspace to provide distinction from the intermittent corridor of development along Aston Clinton Road.⁸⁶⁰

Aylesbury Vale District Local Plan Policy RA.2⁸⁶¹

- 4.110 Policy RA.2 relates to the coalescence of settlements and has an underlying aim to preserve the separate identities of communities.

- 4.111 The policy is in two parts with the first clause (other than for land allocations in the local plan) indicating that:-

'new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements'.

Hampden Fields would not reduce open land that contributes to the *'form and character'* of the rural settlements of Stoke Mandeville or Weston Turville; but even if it did, there would not be a breach of the policy as development is required to meet housing requirements beyond the period of the plan.

- 4.112 The second part of the policy indicates that:-

'in considering applications for building in Rural Areas the Council will have regard to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements'.

It is clear that the individual identity of both Stoke Mandeville and Weston Turville would be retained; and that the extension of Stoke Mandeville eastwards would not lead to coalescence with either Bedgrove or Weston Turville.

- 4.113 Accordingly there would be no breach of Policy RA.2.

⁸⁵⁸ HF1.33; AV1.101 paragraphs 7.4, 10.86

⁸⁵⁹ HF1.16

⁸⁶⁰ HF1.9 page 111

⁸⁶¹ CD 3.3 page 173

The third main consideration: heritage assets

- 4.114 The development of Hampden Fields would have no direct effect on any designated heritage asset; and there would be no effect on any identified aspect of the setting of the Weston Turville Conservation Area.⁸⁶²
- 4.115 The evidence includes Buckinghamshire County Council's Historic Landscape Characterisation and the Aylesbury Historic Environment Assessment.⁸⁶³ The latter assesses the landscape of the Stoke Mandeville/Weston Turville area (to the west of New Road) as:-⁸⁶⁴
- 'The character area has a minor degree of sensitivity. The historic landscape is a mixed composition of parliamentary enclosure fields created in 1800 ancient and modern fields, with a golf course to the north of Weston Turville past survey has indicated the possibility of archaeological sites including ridge and furrow The incomplete and somewhat fragmented nature of the parliamentary enclosure suggest that this area has a high capacity to absorb new development although the old enclosure to the west of Stoke Mandeville could be protected to retain the identity of the historic core and its setting'.*
- 4.116 It is clear that the landscape is subject to modern influences; and it is to be noted that the proposed development would preserve the best of the surviving ridge and furrow.
- 4.117 In terms of the historic field pattern it is to be noted that:-⁸⁶⁵
- 'Parliamentary enclosure is characterised by regular, rectangular fields with 'ruler straight' boundaries This sub-type covers fields which have been further subdivided after the initial enclosure award but have not been greatly altered in the 20th century. In many cases these sub-divisions probably occurred soon after the legal enclosure to enable farmers to manage their new holdings and should therefore be regarded as part of the process of enclosure rather than detracting from it'.*
- 4.118 The current incomplete nature of the parliamentary enclosure reflects subsequent divisions and such a landscape has a medium capacity to absorb change; and such sub-divided enclosure is a common form of landscape in the Aylesbury area, comprising some 23.11% of the landscape types.⁸⁶⁶
- 4.119 The historic enclosure pattern of Hampden Fields consists of original 1799 enclosure and subsequent sub-division by 1813;⁸⁶⁷ with further change apparent from the survey of 1882.⁸⁶⁸ Since then there has been minimal or no field boundary loss within the application site.

⁸⁶² HF1.20 paragraph 10.82; AV1.44 pages 23 - 24, 28, 30; AV1.32 pages 23, 61 - 62

⁸⁶³ AV1.73; AV1.32

⁸⁶⁴ AV1.32 page 23

⁸⁶⁵ AV1.73 page 21

⁸⁶⁶ AV1.73 Appendix 1 pages 21 - 22; Appendix 8 page 4

⁸⁶⁷ HF1.50

⁸⁶⁸ HF/6/2 Appendix 1 paragraph 2.1.2 (Statement of Paul White)

4.120 The Weston Turville Addendum to the Historic Environment Assessment observes: -⁸⁶⁹

'The enclosures surrounding Weston Turville are a mixture of pre 18th century fields and parliamentary enclosures, which are of modest preservation, although there are also well-preserved meadowland and allotment gardens to the south east of the village'.

4.121 The Hampden Fields masterplan incorporates and reinforces the historical hedgerow structure with the retention of some 94% of those hedgerows.⁸⁷⁰ The ridge and furrow features would be substantially preserved as part of the local nature reserve (with such loss as there is being the part that is the more damaged, degraded and of poorer quality).⁸⁷¹ Moreover, without positive conservation it would be vulnerable to erosion or complete loss through agricultural cultivation. The West End Ditch would be preserved in its entirety.

4.122 The overall layout has been endorsed by the Council as follows: -⁸⁷²

'The preservation of historic hedgerows and locally important ridge and furrow is welcomed and there would be no significant effect on nearby scheduled monuments through development in their wider setting It is considered that it is almost inevitable that a development of this scale will cause some harm to the historic environment. However the Environmental Statement submitted is consistent with the view of the County Archaeological Service that from an historic environment perspective, the site would be one of the less harmful locations for such major development as many of the adverse impacts can be avoided or mitigated. The discovery of a possible Roman fort and/or villa north of Rectory Farm is an important and unexpected discovery which has been accommodated in the revised masterplan and as such, the proposal accords with this key principle of the NPPF and with AVDLP policy GP59'.

4.123 Overall, it can be concluded that the proposed development has fully addressed the conservation of the historic environment and there would be no harm or loss of significance in that respect or of sufficient magnitude to outweigh the benefits to be delivered through the proposed development.

The fourth main consideration: best and most versatile agricultural land

4.124 Hampden Fields contains some 44 hectares of grade 3a agricultural land which would be built up on;⁸⁷³ and account should be taken of the *'economic and other benefits of the best and most versatile agricultural land and that authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.*⁸⁷⁴ However, it was not found to be a determinative factor by the Core Strategy Inspector and it was accepted by the authority in allocating Hampden Fields as part of the Growth Arc strategy. Moreover, the grade 3a land is to an extent fragmented through the site, which itself is subject to trespass and damage as part of the urban fringe. There would be no wider effects on the efficient farming of the area.

⁸⁶⁹ AV1.32 page 61

⁸⁷⁰ HF1.9 page 100

⁸⁷¹ BK HF/7/1 paragraphs 3.34 – 3.43; HF/6/2(PW) Appendix 1 paragraph 2.2.5

⁸⁷² HF1.20 paragraphs 10.86 - 10.87

⁸⁷³ HF1.4: page 364 - The overall area of Grade 3a land within the site is 76.5 hectares

⁸⁷⁴ CD 4.1 paragraph 112

The fifth main consideration: highways and transportation

Introduction

- 4.125 The Transport Assessment (March 2012) which considered the impact of Hampden Fields on a stand-alone basis,⁸⁷⁵ save for limited matters, remains effectively unchanged and largely unchallenged. It showed that the proposed development was not dependent on bringing forward any part of the Eastern Link Road; and it would be capable of generating all of the benefits required to successfully meet the County Council's TRIM⁸⁷⁶ principles based on a stand-alone package, which included the South Eastern Link Road (through the site), park and ride and appropriate sustainable transport measures.⁸⁷⁷
- 4.126 Subsequent cumulative modelling, with Land East of Aylesbury, formed part of the Supplementary Transport Assessment (November 2012):- *'..... the design of Hampden Fields does not prejudice the proposals for the ELR coming forward in the future, either independently or within a revised growth strategy further assessments of a cumulative scenario that includes the proposed Land East of Aylesbury and the inclusion of the whole ELR. This has been undertaken to give confidence that the inclusion of both schemes would not restrict or constrain development at Hampden Fields and, in fact, that both strategic developments are complementary in translating the full benefits of the TRIM strategy for the town'*.⁸⁷⁸
- 4.127 Discussions continued thereafter; and some further additions were made;⁸⁷⁹ but matters relating to public transport, the travel plan, cycle and pedestrian provision and road infrastructure stand essentially as originally promoted.⁸⁸⁰ The position remains that the Hampden Fields transportation proposals have, from the outset, been carefully assessed and formulated. This has been thoroughly examined over a considerable period by the highway authority; and found to be acceptable.⁸⁸¹
- 4.128 The one addition that has been made to the overall strategy is the proposal to improve the Walton Street gyratory, including improvements to the Exchange Street roundabout, where, in response to the County Council, the Consortium has agreed to fund the delivery of that scheme (consistent with the basis proposed in the March 2012 Transport Assessment).⁸⁸²

Background

- 4.129 The transport evidence base for the Core Strategy favoured an Eastern Growth Arc, concentrating development around the eastern and south-eastern edge of Aylesbury, which would deliver an Eastern Link Road.⁸⁸³

⁸⁷⁵ HF1.1; HF/3/1 paragraphs 3.1.1 – 3.1.5

⁸⁷⁶ TRIM – Transfer, Re-route, Intercept, Manage

⁸⁷⁷ HF1.1 paragraph 11.5.3

⁸⁷⁸ HF1.14 paragraphs 11.5.3 – 11.5.5

⁸⁷⁹ CD 6.21 SOCG15

⁸⁸⁰ HF1.1; HF1.14; HF1.15 Appendix A (Public Transport Strategy); Appendix B (Travel Plan); HF1.14 Sections 3.3, 3.4, 8.1, 8.2 & Chapter 12

⁸⁸¹ CD 6.21 paragraph 1.26

⁸⁸² HF1.1 paragraphs 11.4.46 – 11.4.52 (repeated in HF1.14 paragraphs 11.4.47 – 11.4.54)

⁸⁸³ HF/3/1 paragraphs 4.4.1 – 4.4.6

- 4.130 The Local Transport Plan (3) 2011- 2016,⁸⁸⁴ through the related draft Vale of Aylesbury: Infrastructure Delivery Plan (April 2013) (providing supporting evidence for the pre-submission draft Vale of Aylesbury Plan) indicates a 'very high priority' to the delivery of the Link Road with the anticipation of its provision, to a substantial degree, as part of development schemes.⁸⁸⁵
- 4.131 The Transport Topic Paper similarly refers to the need for a new road link between the A418 and the A41, which had been endorsed in up-to-date modelling undertaken for the entire town. In particular: -⁸⁸⁶
- 'Both the previous Core Strategy (withdrawn) and the Second Local Transport Plan identified the specific need for improved links to the east of Aylesbury to support planned growth for housing and employment . In a similar vein the Sustainable Communities Strategy for Aylesbury Vale stresses the importance of good connectivity to surrounding areas, including Milton Keynes, to ensure that local businesses in the town continue to thrive and grow, providing new jobs and opportunities for all. The ELR is an important component in achieving this.*
- The collaborative working arrangement between AVDC, BCC (the Highway Authority) and Aylesbury Vale Advantage (the Local Delivery Vehicle) has enabled all partners to effectively agree to the same story with all agreeing that the single highest priority for infrastructure in Aylesbury is the ELR.*
- With the potential for development east of the town, the ELR becomes even more critical to provide access to key sites and act as a distributor for cross-town journeys.*
- The first element of the ELR is being secured as part of the Aylesbury East development scheme the County Council and partners are committed to do all they can to secure the progress of the completion of the scheme across the Canal running south to connect with the A41.*
- Progressing the scheme may include public or private sector investment, developer contributions, direct Government funding or the use of recycled monies the Councils are confident/anticipate that the completion of the whole ELR will be delivered through the Vale of Aylesbury Plan.'*
- 4.132 The Aylesbury Land Use and Traffic Assessment, undertaken by consultants on behalf of the District and County Councils (June 2012), was prepared to assess the traffic impacts of theoretical land use and highway infrastructure scenarios in Aylesbury to provide an evidence base to support and inform the Vale of Aylesbury Plan.⁸⁸⁷ Two broad growth scenarios were considered comprising a single Major Development Area and a mix of smaller sites (5,500 additional houses); and multiple Major Development Areas (delivering 11,100 additional dwellings).
- 4.133 The modelling concluded that locating future major development on the eastern side of Aylesbury, between Bierton Road (A418) and Tring Road/Aston Clinton Road (A41), would perform the best in terms of the traffic impact on the Aylesbury road network; and that the addition of a site in the locality of Hampden Fields would perform well in combination

⁸⁸⁴ AV1.29

⁸⁸⁵ AV1.77 page 6

⁸⁸⁶ AV1.78 paragraphs 4.8, 4.10 – 4.14

⁸⁸⁷ AV1.71 Section 7.1

with new road infrastructure providing a town-wide function of relieving traffic on alternative routes.⁸⁸⁸

- 4.134 The County Council's commitment to facilitating the Eastern Link Road has been confirmed in the authority's Capital Spend Programme; and the current policy mechanism for the southern section of the route is contained in the Vale of Aylesbury Delivery Plan and Infrastructure Delivery Plan which are under preparation.⁸⁸⁹
- 4.135 Hampden Fields would deliver the South Eastern Link Road, connecting Aston Clinton Road (A41) with Wendover Road (A413), with a dual purpose of serving the development and allowing through traffic to travel between two strategic highway corridors.⁸⁹⁰

Network impact

- 4.136 The Revised Transport Assessment (November 2012) demonstrates that changes in the general pattern of vehicle movements on the network as a result of the Hampden Fields development would have benefits for the operational effectiveness of a number of existing road junctions in the locality. In some instances, for example through Weston Turville, traffic volumes on less suitable routes would decrease. Elsewhere, off-site highway improvements would mitigate the impact of the development.⁸⁹¹
- 4.137 The veracity of the Revised Transport Assessment was tested, in May 2013, against trip generation assumptions requested by the County Council, and was found to be generally consistent.⁸⁹²

Planning policy

- 4.138 Policy AY.2 of the Aylesbury Vale District Local Plan, relating to sites which are not identified as Major Development Areas, requires developments which would add more than 50 vehicle movements per day to make a financial contribution to the provision of the transport network.⁸⁹³
- 4.139 In turn, Policy AY.15 (the Aston Clinton Road Major Development Area) includes the provision for improvements to the Tring Road Primary Public Transport Corridor and the provision of a park and ride site. The masterplan for Hampden Fields offers a reserved site for this facility.⁸⁹⁴
- 4.140 Policies AY.17 and AY.20 require the integration of new development with the public transport system and consideration to the needs of cyclists.⁸⁹⁵

⁸⁸⁸ AV1.71 Section 7.2 & figure 5-A (page 33)

⁸⁸⁹ HF/3/1 paragraph 4.5.14

⁸⁹⁰ HF/3/1 paragraph 5.4.1

⁸⁹¹ HF/3/1 paragraphs 5.8.1 – 5.8.4

⁸⁹² HF/3/1 paragraph 5.8.5 – 5.8.6

⁸⁹³ HF/3/1 paragraph 4.3.3

⁸⁹⁴ HF/3/1 paragraph 4.3.4

⁸⁹⁵ HF/3/1 paragraph 4.3.5

Pedestrian links

4.141 The pedestrian facilities that exist, and those that would be enhanced, would be of the highest order;⁸⁹⁶ and additional footways along Aston Clinton Road (A41) and New Road have subsequently been incorporated.⁸⁹⁷ Although criticism has been made of the absence of a signalised crossing on Wendover Road (on the route from Hampden Fields to Stoke Mandeville railway station), the County Council has not sought or required such provision and existing crossing facilities would be supplemented.⁸⁹⁸

Cyclists

4.142 Provision for cyclists would be comprehensive, including a strategic footway/cycleway linking into Amber Way (a segregated cycle route into the town centre) and the wider network in the area;⁸⁹⁹ with other localised improvements to routes and facilities, including additional cycle storage at Stoke Mandeville railway station.⁹⁰⁰ Although the combined pedestrian/cyclist route along Station Road, Stoke Mandeville would, in parts, be less than 3 metres wide, traffic flows are 'moderate' and there are footways on both sides of Station Road.⁹⁰¹

Public transport

4.143 Hampden Fields lies adjacent to a substantial existing public transport network; proposals for its enhancement were set out in the original Transport Assessment; and further enhancements include the provision of improvements to the bus station and its related highway connections, and the provision of the park and ride facility.⁹⁰²

4.144 A combined bus service, making use of the Primary Public Transport Corridor, would operate with services every 7 – 8 minutes (peak hours), with a journey time of 14 minutes from the centre of the development into the town centre.⁹⁰³ Such provision would be commercially viable in the long term.⁹⁰⁴ In addition, measures to secure junction improvements and the installation of MOVA⁹⁰⁵ and the opportunity for 'hurry call' on the junction approaches are due to take place in the near future.

4.145 The Consortium would also contribute to the Strategic Transportation Infrastructure Fund and funding would be available as part of an overall approach to sustainability for the completion of the Eastern Link Road which has been recognised as '*..... critical to the transport network the single highest priority for infrastructure in Aylesbury'*'⁹⁰⁶

⁸⁹⁶ CD 6.21 Appendix SOCG15

⁸⁹⁷ CD 6.21 Appendix SOCG15 drawings 030A and 124B

⁸⁹⁸ CD 6.21 Appendix SOCG15 drawings 18A/19A/20A

⁸⁹⁹ CD 6.21 Appendix SOCG15

⁹⁰⁰ CD 6.21 Appendix SOCG 5 drawings 23B (Station Road), 30A (A41), 124A (New Road) & plan A6; Appendix SOCG17 paragraph 8.3.2

⁹⁰¹ HF1.14 Appendix H (Station Road with development 875/861 in am peak hour; A41 Bicester Road (2021) 1545/1142 in the am peak hour)

⁹⁰² CD 6.21 Appendix SOCG17 update note & paragraph 8.2.4; Section 4 & paragraph 6.5

⁹⁰³ CD 6.21 Appendix SOCG17 paragraph 6.4.4

⁹⁰⁴ CD 6.21 Appendix SOCG17 Section 7 - previously provided in HF1.1 & HF1.15 (adjusted for the reduced revenue from 3,000 rather than 3,200 dwellings)

⁹⁰⁵ HF1.51

⁹⁰⁶ AV1.78 paragraphs 4.9 – 4.11; HF/3/1 paragraph 5.4.6

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- 4.146 The benefits identified in the Transport Topic Paper⁹⁰⁷ are summarised in the Vale of Aylesbury Plan: -⁹⁰⁸ *'A priority in planning for additional growth at Aylesbury will be delivery of the final sections of the Eastern Link Road'*. The Council's Infrastructure Delivery Plan⁹⁰⁹ anticipates the completion of the Eastern Link Road between 2015 and 2021 at an estimated cost of £12 – 15 million.
- 4.147 In addition, funding would be available for the introduction of further public transport benefits including bus priority, together with the provision of the park and ride.
- 4.148 Overall, there would be comprehensive provision for public transport, supporting overall sustainability, and with a clear prospect of mode shift. Moreover, service enhancements would provide related benefits for the existing community who live and work in the area.

Other transportation effects

- 4.149 So far as the effect on, and proposed improvements for, junctions immediately serving the site, the approach adopted has reflected an appropriate balance between ensuring sufficient capacity and avoiding over design, while maintaining bus priority where appropriate.
- 4.150 Overall, the development can be demonstrated to deliver the TRIM principles (Transfer, Re-route, Intercept, Manage) in accordance with Buckinghamshire Local Transport Plan (3).⁹¹⁰

Walton Street gyratory

- 4.151 Wendover Road lies along a Primary Congestion Management Corridor where, as a matter of policy, the intention is to facilitate the flow of traffic along this part of the strategic road network.⁹¹¹ A particular difficulty, at the Walton Street gyratory, is the orbital movement on Stoke Road, coupled with the right turning link by the Aristocrat public house. Neither of those movements are likely to be directly affected to any significant degree by traffic generated from the Hampden Fields development.
- 4.152 The original Transport Assessment recognised this opportunity: -⁹¹²
'The traffic flows at this location as a result of the Hampden Fields development leads to a slight improvement in the PM operation of the junction with a reduction in PRC from -3.3% to -2.7%. However, the development leads to a slight impact in the AM peak.
Whilst the impact of Hampden Fields is relatively minor at this location, the wider growth of Aylesbury may require improvements to be made to this junction

⁹⁰⁷ AV1.78 paragraph 4.12

⁹⁰⁸ AV1.61 paragraph 3.15

⁹⁰⁹ AV1.77 page 42

⁹¹⁰ AV1.99 page 26

⁹¹¹ AV1.29 pages 76 - 77 seeking to reduce congestion on the strategically important parts of the network with the overall aim of improving journey time reliability – the plan expressly seeks to secure funding from public and private sources to secure these objectives

⁹¹² HF1.1 paragraphs 11.4.48 – 11.4.52

It is understood that a wider scheme to improve not only the capacity of the junction but also improved public realm and bus priority is being investigated and that BCC has secured land to the west in order to deliver partial improvements to the Stoke Road approach, however it is understood that no funding has currently been allocated for this.

In view of the lack of public funding to take forward plans for the Stoke Road Gyratory at this moment and, in light of the low level of impact resulting from the Hampden Fields development, an allowance of £50,000 will be made to fund further design and technical studies which would assist in identifying the wider benefits of highway capacity, public transport and public realm improvement scheme in order to support a potential future bid for funding'.

- 4.153 The Revised Transport Assessment commented in similar terms.⁹¹³ Further proposals formed part of a Technical Note,⁹¹⁴ prepared to 'provide further clarity on the use of TfB's suggested trip generation methodology'.⁹¹⁵ The following extracts are material: -⁹¹⁶

'1.6.61 The impact of Hampden Fields can be considered to be relatively minor at this location, despite the requirement for the gyratory to be improved to accommodate the increases in background traffic and that arising from other developments

1.1.62 The main issue at this location is the congestion which is forecast to occur on Stoke Road

1.1.64 It is understood that the aim of the wider comprehensive scheme would be to improve not only the capacity of the junction but also to improve the public realm

1.1.65 It is understood that no funding has currently been identified for the wider improvements to the gyratory. However, discussions with TfB have identified a scheme which would deliver interim benefits in connection with the impact of the Hampden Fields development. The improvements could involve the widening of the Wendover approach from 2 to 3 approach lanes. Following correspondence and meetings with TfB, the Council have asked that the Hampden Fields development proceed with the determination of a possible improvement on this arm.

1.1.66 The proposed infrastructure would deliver three lanes at the approach which would tie-in with three lanes on the circulatory of the gyratory

1.1.67 The above results indicate that the proposed improvements on the Wendover Road approach leads to an increase in the capacity of the entry arm.

1.1.68 The cost of the works required to deliver the proposed Hampden Fields works have been estimated to be approximately £150,000 to £175,000

1.1.69 It is understood that the Hampden Fields development, by agreeing to deliver the three lane infrastructure improvements will have been deemed to have mitigated its proportional share of its effects seen at this junction'.

- 4.154 That developed into the specific proposals culminating in an agreed improvement to the Wendover Road approach and the future installation of the 'MOVA' signal control system: -⁹¹⁷

⁹¹³ HF1.14 paragraph 11.4 .50 – 11.4.54

⁹¹⁴ HF/3/2 Appendix B

⁹¹⁵ HF/3/2 Appendix B paragraph 1.1.1 (TfB – Transport for Buckinghamshire)

⁹¹⁶ HF/3/2 Appendix B paragraphs 1.6.61 – 1.6.69

⁹¹⁷ HF1.51

'..... Until MOVA, there had been no substantial advance in control strategies over a period of some forty years.

..... MOVA signal timings vary widely in response to traffic conditions. This innovative method of signal control can reduce delays

MOVA has been approved by the Department of [for] Transport and is widely used in UK and overseas.

..... TRL/Department of [for] Transport trials have shown that MOVA reduces delays by an average of 13%'.

- 4.155 Moreover, the Strategic Transport Infrastructure Fund would support the further funding of additional improvements within the Wendover Road corridor which would include the Walton Street gyratory if they were to be identified and funding was required.
- 4.156 The scale of traffic flow changes at the gyratory, arising from Hampden Fields, has been shown to be, at worst, under 5% in the morning peak and under 1% for the evening peak (by 2031).⁹¹⁸ It was the Consortium's view that the proposed improvements to the Wendover Road approach represented a proportionate response that would more than address any effect on the operation of this junction. However, further discussions with the County Council led to a more comprehensive agreed scheme.
- 4.157 Features of that scheme as modelled include: -
- (a) the internal links (even without MOVA) would operate so as to clear within individual phases, unlike the existing position;
 - (b) the major difficulty with the existing gyratory is the short link, for northbound traffic, (to the north-west of the Aristocrat public house link) between the northbound and southbound carriageways of Wendover Road; it has a stacking capacity of only two or three vehicles and causes queuing traffic to build up which, in turn, blocks movement around the gyratory and has an adverse impact on the operation of the Stoke Road approach; closure of the link would immediately improve movement through the gyratory;
 - (c) however, the link could be retained, with priority, for emergency vehicles;⁹¹⁹ service and school buses; and the opportunity for a cyclist facility;
 - (d) the existing facilities for pedestrians and cyclists would be retained, with the opportunity for enhancement;
 - (e) although vehicles precluded from using the Aristocrat link would have to continue northward to the Exchange Street roundabout and then return southwards to the gyratory (affecting movements from west to east and west to south from Stoke Road) the additional travel distance (some 840 metres equivalent to 1.5 minutes at 30mph)⁹²⁰ has to be balanced against the overall savings and benefits arising from the improvements to the gyratory;
 - (f) the scheme would not lead to the significant diversion of traffic currently using Stoke Road as movement on the local network to the west of Wendover Road is hampered by the line of the railway; potential alternative routes would either be to the north using Oxford Road (itself part of the

⁹¹⁸ CD 6.21 Appendix SOCG6 Table 1 (page 2)

⁹¹⁹ NMB.1

⁹²⁰ HFAG/GT/3 paragraph 1.19

strategic road system), or, by a significant diversion to Station Road to the south; but the latter is likely to be improbable as it would involve a substantial detour to gain access to the town centre or to the Walton Road schools, using Turnfurlong Road;

- (g) in terms of what appears to be the principal concern of impact on traffic generated by the schools in the Walton Road area, their catchment will not be solely from the west; a number of children who live locally would travel on foot or by cycle; and bus provision, serving more distant locations would have the opportunity of tailoring their route, including via the A41;
- (h) the Exchange Street roundabout would be capable of operating satisfactorily with ample opportunity for signalisation and circulatory improvements; and
- (i) the removal of part of the central reserve on the Walton Street approach from the south is only required for widening of the entry to the roundabout; the ability to accommodate some form of physical separation between the carriageways would remain; and there would be no likelihood of any significant detriment to road safety or movement.⁹²¹

4.158 The closure of the Aristocrat link, and potentially the carriageway alterations at the Exchange Street roundabout, would require the making of a Traffic Regulation Order and related public consultation with three potential outcomes: -

- (a) confirmation of the Order leading to the proposed improvements (subject to any necessary detailed refinement);
- (b) if the Order is not approved, other identified improvements (including those in the original Transport Assessment) could be brought forward and funded with the Strategic Transport Infrastructure Fund; the improvements to the Wendover Road approach, with the installation of MOVA, could be made; and those improvements in themselves would improve the operation of the gyratory sufficiently more than to cancel out any adverse effect from Hampden Fields; and
- (c) even the limited works referred to in (b) above would be sufficient to ensure the sustainability of the proposals; the gyratory is a junction where there is existing congestion, (and not a Primary Public Transport Corridor) which would not, overall, be made worse by development at Hampden Fields; and, thus, there is nothing that would support a conclusion that the residual cumulative impacts of the development would be 'severe' for the purposes of paragraph 32 of the National Planning Policy Framework.

The sixth main consideration: conditions and obligations

Planning obligations

4.159 A deed of covenant (pursuant to the provisions of section 106 of the Town and Country Planning Act 1990 and, where relevant, section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011), dated 5 December 2013, in favour of the District Council, binds the owners and other parties and their successors in title in the event of any change in interest with the effect of restricting the development until the new interest enters into a Deed of Covenant in favour of the Council.⁹²²

⁹²¹ NMB.1

⁹²² HF1.54

4.160 Planning obligations under section 106 of the Town and Country Planning Act 1990 (both dated 5 December 2013) have been entered into and completed between all parties with an interest in the site with Aylesbury Vale District Council;⁹²³ and with Buckinghamshire County Council.⁹²⁴

Planning agreement with Aylesbury Vale District Council

4.161 The agreement with the District Council provides: -

- (a) financial contribution (£5,000 annually for at least ten years) to cover the Council's costs of administering and monitoring the planning obligation;
- (b) lodging of parent company guarantee, bonds or cash deposits for respective phases of the development;
- (c) an operational programming, phasing and monitoring obligation;
- (d) provision of affordable housing on a phased basis; maximum 20% provision in phase 1; subsequent phases minimum 20% with uplift to a maximum of 35% to reflect viability reassessment;
- (e) affordable units in any development parcel to be provided before completion of 50% of market housing in that parcel; criteria and restrictions relating to affordable dwellings; off site affordable housing contribution if required by viability assessment to bring the whole development site up to 35%;
- (f) structural landscaping; landscape phases; availability for public use; maintenance; transfer to the Council and commuted sum for maintenance or transfer to a management body; timing of provision for twelve local areas equipped for play (LEAPs); three neighbourhood areas equipped for play (NEAPs); three multi use games areas (MUGAs); community orchard; allotments; and sports facilities;
- (g) leisure contribution payable on a phase by phase basis to be used for the provision/improvement of swimming pools and synthetic turf pitches in Aylesbury to a total of £1,036,8000; and a second leisure contribution (in the event that the proposed community building is not capable of being used for indoor sports facilities), in the sum of £1,360,800, for the provision and/or improvement of indoor facilities in Aylesbury;
- (h) entertainment contribution (in the event that the proposed community building fails to provide a stage and seating for 200 people), in the sum of £1,728,000, for the provision and/or improvement of entertainment facilities in Aylesbury;
- (i) strategic green infrastructure contribution, £126,000, for the improvement and/or enhancement of existing strategic green infrastructure in the vicinity of Aylesbury;
- (j) provision of temporary health centre, if required, pending completion of permanent facility; provision of serviced site for health centre and marketing strategy;
- (k) provision of temporary community building, if required; submission of community building scheme and provision of community building at a defined stage of the development (including two room office for Thames Valley Police); to maintain the community building or to transfer it to a management body;

⁹²³ HF1.55

⁹²⁴ HF1.56

-
- (l) submission of marketing strategy for the employment land; sale or lease of the employment land prior to the occupation of the 50th dwelling; and sale or lease of the parts of the local centre to be used for commercial uses prior to the occupation of the 600th dwelling;
 - (m) submission of a public arts strategy up to a value of £100,000, implementation and maintenance to achieve '*distinctive places*' and the delivery of good design;⁹²⁵
 - (n) viability reassessment mechanism for the provision of affordable housing;
 - (o) submission of flood alleviation scheme; provision of flood alleviation land; implementation before the occupation of more than 300 dwellings as a means of delivering measures identified in Flood Risk Assessment; maintenance of the flood alleviation land prior to the transfer to the Council or to a management body; and
 - (p) submission of ecological mitigation management plan; management and monitoring of ecological mitigation land (with possible transfer of land to the Council or to a management body); and payment of a commuted sum.

4.162 The agreement is underpinned by the following policies in the Aylesbury Vale District Local Plan and compliance with the requirements of the Community Infrastructure Levy Regulations 2010 in terms of being necessary, directly related to the development and fair and reasonable: -⁹²⁶

- (a) **GP.2 (Affordable Housing):** 20 – 30% on site; and the Affordable Housing Supplementary Planning Document (2007) requiring 35% on site; affordable housing is necessary to deliver a mix of housing; it would be an integral part of the development; and subject to independent viability appraisal;
- (b) **GP.45 (Safe and Secure Development):** application of principles of guidance in Secured by Design;
- (c) **GP.86 (Outdoor Play Space) and GP.87 (Equipped Play Areas and Sports Fields):** Sports and Leisure Facilities Supplementary Planning Guidance (2004) and Companion Document (2005) which set standards for provision; landscaping is essential to achieving good design; open space is important for community well-being; all elements would be integral to the development; and provision would be related to the scale and nature of the proposed development;
- (d) **GP.88 (Funds Provided in Lieu of Providing Outdoor Play Space):** where play facilities or facilities associated with residential development is not practicable on site or better made elsewhere;
- (e) **GP.90 (Provision of Indoor Facilities):** Sports and Leisure Facilities Supplementary Planning Guidance (2004) and Companion Document (2005) which require appropriate indoor facilities on site or financial contributions; the development would create additional demands on high level sports and recreation provision and on entertainment facilities; contributions would relate to enhanced facilities in Aylesbury; and contributions would be based on published scales with payback if not used;
- (f) **GP.91 (Provision of Amenity Areas):** Sports and Leisure Facilities Supplementary Planning Guidance (2004) and Companion Document (2005) which require amenity open space;

⁹²⁵ HF1.9 page 141

⁹²⁶ HF/2/2 Appendix 8; HF1.56B

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- (g) **GP.94 (Community Facilities):** appropriate community facilities in the form of proposed community building, children's centre, community orchard and allotments; and a serviced site to be marketed at market value for a health centre; the development would create a need for such facilities; provision would be made on site; with facilities reflecting scale of development. In addition, the provision of employment land and local centre facilities are necessary components of an urban extension.

Planning agreement: Buckinghamshire County Council

Provision of education and highway works

- 4.163 The agreement with the County Council includes the provision of education (in schedule 1) and highway works (in schedule 2). In terms of the former the obligation would provide: -⁹²⁷
- (a) financial contribution (£5,000 annually for ten years) to cover the Council's costs of administering and monitoring the planning obligation;
 - (b) secondary school provision either on-site if required by the Council or financial contribution towards additional school places off-site (maximum £2,000,000 for site acquisition and £4,500,000 for additional places in each of development parcels A, B and C and a final contribution in relation to development parcel D to accord with the overall contribution due from the development in accordance with published formula);
 - (c) primary school provision in the form of two serviced sites and financial contributions of £9,865,690 and £6,914,150 respectively;
 - (d) financial contribution of £330,000 for the provision of a children's centre; and
 - (e) financial contribution of £2,307,000 for the provision of additional special school places within the County of Buckinghamshire.
- 4.164 On highway matters, the operative obligation⁹²⁸ would preclude the occupation of more than 700 dwellings until the Strategic Infrastructure Fund guarantee has been provided to the Council. The service, by the Council, of a Transport Infrastructure Notice,⁹²⁹ after the occupation of the 750th dwelling but before the occupation of the 2,650th dwelling, would require payment of the contribution up to the total of £9.5 million (net of the cost of the Walton Street gyratory improvement scheme).
- 4.165 Strategic transport infrastructure is defined⁹³⁰ as a package of transport infrastructure projects to be provided by the Council on the highway corridors between Hampden Fields and the town centre which may comprise: - the Aston Clinton Road Primary Public Transport Corridor; the park and ride facility; the southern section of the Eastern Link Road; or improvements for, or related to, the Wendover Road (A413) corridor.⁹³¹ Contributions are not to be sought where that part of the infrastructure is the subject of funding from other sources.⁹³²

⁹²⁷ HF1.56C

⁹²⁸ HF1.56: Schedule 2 paragraph 5.1 (page 57)

⁹²⁹ HF1.56: Schedule 2 paragraph 1.32 (page 53)

⁹³⁰ HF1.56: Schedule 2 paragraph 1.29 (page 53)

⁹³¹ HF1.56: Schedule 2 paragraphs 1.1, 1.18, 1.25, 1.29 - 130 respectively

⁹³² HF1.56: Schedule 2 paragraph 5.2

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- 4.166 Further, if the Secretary of State concludes that an obligation, in whole or in part, fails to meet the required tests the obligation to that extent shall not be enforceable by the Council.⁹³³
- 4.167 The starting point is that Hampden Fields would comprise a sustainable mixed-use development, on undeveloped land, and it would be a significant generator (and to a lesser degree attractor) of external trips. Enhancing sustainable modal choice is an important consideration, alongside the overall balance of benefit and dis-benefit.⁹³⁴
- 4.168 In terms of policy, each of the proposed strategic infrastructure elements responds to policies of the Council: -
- (a) the park and ride as part of the overall TRIM⁹³⁵ policy; the A41 is a Primary Public Transport Corridor (and a Primary Congestion Management Corridor); and the A413 is a Primary Congestion Management Corridor, with their respective commitments to enhancing public transport priority and reducing congestion;⁹³⁶
 - (b) the Eastern Link Road is identified in the Vale of Aylesbury Transport Topic Paper as the '*single highest priority for infrastructure in Aylesbury*';⁹³⁷ with town wide benefits including: -
 - (i) direct access to the stalled Aston Clinton Road (A41) employment major development area (20 hectares mixed-use scheme);
 - (ii) improved connectivity both within/across Aylesbury and to neighbouring towns, helping address business concerns;
 - (iii) reducing traffic impacts on existing radial routes;
 - (iv) enabling the priority for public transport on the A41 Tring Road (a major radial from the east of the town directly into the town centre);
 - (v) creating additional capacity for all modes of motorised transport;
 - (vi) supporting further walking and cycling improvements across the town; and
 - (vii) enhancing air quality for a long-standing existing Air Quality Management Area along Tring Road.
 - (c) Policy AY.1 of the Aylesbury Vale District Local Plan sets out: -

'All traffic-generating proposals will be considered against the principles of the ALUT (Aylesbury Land Use/Transport) Strategy A primary consideration will be the effectiveness of development proposals in minimising the need to travel and facilitating or encouraging journeys by means other than the private car';
 - (d) Policy AY.2 explains: -⁹³⁸

'All non-MDA (Major Development Area) developments that could be expected to add more than 50 vehicle movements to the network per day will be required to make a financial contribution towards the implementation of the ALUT Strategy and the arrangements for collecting and administering it is published in Supplementary Planning Guidance'.

⁹³³ HF1.56 Clause 4.2 (page 13)

⁹³⁴ CD 4.1 paragraph 14

⁹³⁵ Transfer, Re-route, Intercept, Manage

⁹³⁶ AV1.29 pages 76 - 77

⁹³⁷ AV1.78 paragraph 4.11

⁹³⁸ CD 3.3 page 101

(e) Policy VS3 of the Vale of Aylesbury Plan⁹³⁹ makes specific reference to the 'delivery of the final sections of the Eastern Link Road'.⁹⁴⁰

- 4.169 Functionally the two road corridors, Tring Road and Wendover Road, would provide immediate access to Hampden Fields and the park and ride facility would be within the proposed development site. Indeed, the delivery of the Eastern Link Road would enable enhanced bus priority on the A41 to be provided. These, and related improvements, would be directly relevant to Hampden Fields and its sustainability and effects.
- 4.170 If the Secretary of State were to reach the conclusion that the scale of benefits was not, in part or in whole, fairly and reasonably related to the development, taking into account its overall scale and for example the approach taken at Land East of Aylesbury, the relevant part of the fund would go directly to increase the affordable housing contribution.
- 4.171 In summary, the Consortium (and the County Council) takes the view that the Eastern Link Road and the other elements of Strategic Transport Infrastructure are not necessary as preconditions for permission to be granted; although the overall contribution can be justified if the Secretary of State so determines as part of the overall sustainable balance.

The Walton Street gyratory improvement scheme

- 4.172 The obligation would have the effect of precluding the commencement of development until a Highway Works Delivery Programme has been submitted to and approved by the Council.⁹⁴¹ The delivery programme is defined to include a programme for the phased delivery of the Walton Street gyratory improvement scheme⁹⁴² which includes, but is not limited to, the works and improvements shown indicatively on the specified drawings; but provision is made to allow modifications or revisions by agreement.
- 4.173 The delivery programme is required to identify when the elements of the scheme would be delivered together with the relevant highway works (section 38 or 278) agreement and any security in that respect;⁹⁴³ and restrictions would be imposed on the occupation of any dwelling or non-residential unit beyond the relevant limit in the delivery programme, including those related to the Walton Street gyratory improvement scheme.⁹⁴⁴
- 4.174 Provision is included for the making by the Council of a Traffic Regulation Order for the works with the costs met by the owners and developer;⁹⁴⁵ and the contribution to the Strategic Infrastructure Fund would be reduced by an equivalent amount.⁹⁴⁶

⁹³⁹ AV1.61 page 24

⁹⁴⁰ AV1.61 paragraph 3.15

⁹⁴¹ HF1.56: Schedule 2, paragraph 2.1 (page 55)

⁹⁴² HF1.56: Schedule 2, paragraphs 1.10, 1.39

⁹⁴³ HF1.56: Schedule 2, paragraphs 1.10 (paragraph 1.9 refers), 2.3

⁹⁴⁴ HF1.56: Schedule 2, paragraphs 2.2 - 2.5

⁹⁴⁵ HF1.56: Schedule 2, paragraph 4.1

⁹⁴⁶ HF1.56: Schedule 2, paragraph 1.30

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- 4.175 For the purposes of Regulation 122 of the Community Infrastructure Levy Regulations, the A413 would serve Hampden Fields and there would be an increase in traffic using that route and the Walton Street gyratory. The improvements would therefore be directly related to the development.
- 4.176 There is no doubt that the contribution of funding for the improvement to the Wendover Road approach and improvements to the traffic signalisation would be reasonable and proportionate. The further funding of improvements at the Walton Street gyratory, as a whole, would offer a major transportation benefit in relieving this part of the Primary Congestion Management Corridor with enhanced priority for buses and emergency vehicles and effective provision for cyclists and pedestrians.
- 4.177 If the Secretary of State concludes either, that the provision is not necessary, and/or, it is not fairly and reasonably related in scale and kind, the identified funding would be re-assigned as explained above. This would be both practical and effective and it would leave the Secretary of State with discretion to determine within the scope of Regulation 122 the extent to which there should be a contribution and on what basis.

Other transport matters covered by the planning obligation

- 4.178 In addition to the above, the obligation would provide:-
- (a) financial contributions to public transport comprising £709,338, £408,281 and £210,913 prior to the occupation of the first dwelling, the 800th dwelling and the 2,200th dwelling respectively; £45,000 for real time passenger information at three existing bus stops serving the site; £370,000 towards the costs of providing bus priority measures between the site and the town centre; £34,100 towards the provision of additional cycle racks at Stoke Mandeville railway station; and
 - (b) payment of the travel plan monitoring fee (£5,000); appointment of travel plan co-ordinator; provision of residential and commercial travel plans; implementation, monitoring and review and the implementation of reasonable measures to remedy any failures identified.

The seventh main consideration: the overall planning balance

The National Planning Policy Framework

- 4.179 The grant of planning permission would accord with government guidance including:-
- (a) Paragraph 7:
 - (i) the economic role by contributing to building a strong, responsive and competitive economy;
 - (ii) the social role by supporting strong, vibrant and healthy communities with housing to meet the immediate and medium needs of the area and by creating a high quality built development with accessible local services and infrastructure to support the health, social and cultural wellbeing of the existing and proposed new community; and
 - (iii) the environmental role by contributing to the protection and enhancement of the natural, built and historic environment by securing development in a sustainable location and contained and well integrated with the existing built fabric and community infrastructure; thereby respecting the existing landscape features, protecting heritage assets, helping to improve biodiversity, making the best use of natural resources and supporting a low carbon economy.

- (b) Paragraph 14: the proposed development would accord with the development plan including Policies GP.35 and RA.2; however, as the District Local Plan only sought to set out requirements up to 2011, planning permission ought to be granted in that any adverse impacts from doing so would not significantly or demonstrably outweigh the overall sustainability and other benefits of Hampden Fields when assessed against the policies of the National Planning Policy Framework as a whole.
- (c) Core Planning Principles: the proposed development would deliver ten of the twelve identified principles; it would not meet the principles of being '*planned*' and making use of '*previously developed*' land. However, the proposal would be compatible with the extant plan; it would not prejudice the development plan making process; it would secure the early provision of much needed housing and employment; and no brownfield land is available to meet the identified needs.
- (d) Paragraph 19: the proposal should attract significant weight in its support for securing economic growth.
- (e) Paragraph 32: the proposal includes opportunities for sustainable transport modes; the construction of the Eastern Link Road would be required in any event; safe and suitable access for all people; improvements would be undertaken within the transport network to cost effectively limit the significant impacts of the development; and there would be no severe residual cumulative impacts.
- (f) Paragraph 47: the project would boost significantly the supply of housing (both market and affordable) in the absence of a five year supply of specific deliverable sites, and a record of persistent under delivery and a lack of locations for development in the longer term (years 6 – 10 and 11 – 15).
- (g) Paragraphs 49 and 197: the presumption in favour of sustainable development is engaged.
- (h) Paragraph 52: the scheme would follow the principles of Garden Cities.
- (i) Section 7: the development would fulfil the requirements for good design.
- (j) Section 8: Hampden Fields would promote healthy communities as part of an integrated, inclusive and accessible development.
- (k) Section 10: significant strategic benefits would be provided in flood relief to the town as a whole while at the same ensuring that the development meets the policies for climate change and a low carbon economy.
- (l) Section 11: the development would respect and provide for the conservation and enhancement of the natural environment; and the loss of best and most versatile agricultural land from within the site has to be balanced against the benefits of the proposals (including green infrastructure, biodiversity and preservation of significant landscape features).
- (m) Section 12: the proposal would not adversely affect any designated heritage asset and it would conserve identified heritage interests in a manner appropriate to their significance.
- (n) Paragraph 216: little weight should be given to the emerging Vale of Aylesbury Plan given the stage of its preparation and the significance of the unresolved objections to it.

4.180 For all of the above reasons, there is a significant and pressing need for additional housing and economic growth and planning permission should be given for the Hampden Fields proposals to enable the early delivery of housing and economic opportunity through a scheme which is manifestly sustainable and would bring a wide range of benefits for the existing and future communities of Aylesbury.

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- 4.181 So far as it is relevant, there is no identifiable alternative that would meet those needs in a manner that would be demonstrably less harmful or is otherwise to be preferred. In the circumstances the appeal should be allowed and planning permission granted to enable the development to proceed without further delay.

Matters following the close of the Inquiry⁹⁴⁷

- 4.182 The Planning Practice Guidance, in relation to housing and economic development needs assessment, attaches importance to the working age population and the need for growth in labour supply to match employment growth projections; and for local authorities to plan to provide more housing than the starting point household projections imply.
- 4.183 The Inspector in his initial examination of the Vale of Aylesbury Plan concluded: - *'in relation to the overall provision for housing and jobs, the Plan has not been positively prepared, it is not justified or effective and it is not consistent with national policy'*.
- 4.184 In terms of prematurity, given the Council's decision to withdraw the plan, there is no support for this objection to the development.

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The Consortium's representations in relation to Fleet Marston

Synopsis

- 4.185 There are particular features which militate strongly against Fleet Marston, including: -
- (a) the site would be a self-evident and prominent extension of a built form into the countryside;
 - (b) the site has and would have poor levels of containment; the existing roads, railway and the newly planted tree belt at the western end of the site would not contain development of this scale within an open and exposed landscape;
 - (c) the urban area, as a result of Fleet Marston, would be extended significantly further into the open countryside;
 - (d) the development would not integrate well into the surrounding open landscape having regard to its high level of landscape and visual sensitivity and views from the elevated Areas of Attractive Landscape;
 - (e) the development would not be in character with its surroundings, consciously adopting an urban level of development intensity (at an average density of 51.4 dwellings per hectare; areas of 60 dwellings per hectare; and buildings up to 13 metres high);
 - (f) at night the development, with its lighting, would intrude into an otherwise dark area;⁹⁴⁸
 - (g) there would be a defining breach of the existing gateway to Aylesbury, formed by the A41 underbridge,⁹⁴⁹ providing clear urban/rural definition;

⁹⁴⁷ HF1.58

⁹⁴⁸ HF/4/2 Appendix 8 Viewpoint 2a

⁹⁴⁹ BL1.23 Appendix 1

- (h) there would be no effective 'feathering' of the development on its boundaries; it would be widely open to view from the surrounding Area of Attractive Landscape, the heavily trafficked A41, the existing railway line (which is to carry passenger traffic with East-West Rail), and the Quanton Road;
- (i) the general layout of development would follow the lines of the roads and railway and would not reflect the grain of the countryside field pattern;
- (j) there would effectively be total loss of the landscape and visual feature provided by Saint Mary's church (listed grade II*) and its setting, which is a major contributor to the historical and landscape character of the area;
- (k) Fleet Marston would have particularly poor connectivity to, and minimal integration with, the existing urban area and its communities including Berryfields, as a result of the narrow width under the railway bridge serving all modes of transport including pedestrian, cycle, vehicular and public transport; and
- (l) the proposed development would be in conflict with each of the principles in Policy GP.35⁹⁵⁰ in that the development would neither respect nor complement:-
 - (i) the physical characteristics of the site and the surroundings;
 - (ii) the building tradition, ordering, form and materials of the locality;
 - (iii) the historic scale and context of the setting;
 - (iv) the natural qualities and features of the area; or
 - (v) the effect on important public views and skylines.

4.186 Although the Core Strategy Inspector saw Fleet Marston as a potential candidate to meet the identified housing needs in the South East Plan, it was not endorsed in the same way as Hampden Fields and improvement of the critical A41 connection was anticipated:-

'This should include the assessment of links between FM and the Parkway station, together with the capacity and safety of the A41 railway under bridge, and the cost and benefits of any improvement'.⁹⁵¹

It is apparent, from the terminology used, that the Core Strategy Inspector was expecting improvement, with potential cost implications and viability issues. The notable failure to provide any significant improvement in that respect is a serious flaw in the Fleet Marston proposals.⁹⁵²

4.187 The suggestion by Barwood that some initial area search across the district was undertaken from which the Fleet Marston site was selected lacks credibility;⁹⁵³ having particular regard to the unsuccessful promotion of a development at Fleet Marston by other interested parties in the Aylesbury Vale District Local Plan.

⁹⁵⁰ CD 3.3

⁹⁵¹ AV1.8 paragraph 21

⁹⁵² BL1.82; BL1.83

⁹⁵³ BL/ML/2.1 paragraph 2.41

4.188 Barwood acquired its controlling interest in November 2007 (one month after the area search was commissioned); and thereafter a team was assembled to promote the site, leading to the making of the first application in July 2009, and the representations on the pre-submission Core Strategy. The representations to the Core Strategy included a landscape critique⁹⁵⁴ in order to promote Fleet Marston as an alternative site and as an attempt to discredit the underlying work leading to the Council's evidence base for the Core Strategy.

Commission for Architecture and the Built Environment (CABE)

4.189 Although CABE indicated significant support for the internal masterplanning of Fleet Marston,⁹⁵⁵ it is not clear whether the overall issues of containment and accessibility were addressed; and, in any event, some specific reservations were set out. These appear fundamental to the acceptability of the proposal and would not have been capable of being resolved at reserved matters stage in the manner anticipated.⁹⁵⁶

4.190 The reservations expressed include: -

- (a) the relationship with the site's '*sensitive countryside setting*', which has not been satisfactorily addressed, nor would it be capable of being accommodated given the characteristics of the site and the quantum of development proposed;
- (b) concern over the A41 and its '*calming*' or '*civilising*'; inevitably the A41 would inhibit the effective integration between the two components of Fleet Marston (including the bulk of the recreational provision separated from the majority of the residential community); but nothing has been produced to show how this would be effectively resolved;
- (c) public transport provision was recognised as crucial; but the medium to long term commercial viability of the bus service as proposed would be, at best, highly questionable;
- (d) the proposed railway station would not be deliverable;
- (e) it was expected that there would be well designed and suitable routes for pedestrians and cyclists; as it is, there are no additional routes proposed with undue reliance on the substandard provision alongside the A41 running under the railway bridge; and
- (f) attention was drawn to the importance of connections between Berryfields and Fleet Marston; in the event no direct connections are proposed.

4.191 Taken overall, the outcome of the design review tends to underline the inherent deficiencies in the Fleet Marston proposal.

The first main consideration: the landscape and visual effects

Policy RA.8 - Landscape

4.192 Policy RA.8 of the Aylesbury Vale District Local Plan complies with the National Planning Policy Framework in that it is criteria based and proposals for development can be judged distinguishing between landscapes of national and local importance.

⁹⁵⁴ BL1.53

⁹⁵⁵ BL/ML/2.3 Appendices 6 & 7

⁹⁵⁶ BL1.52 Annex 1 page 3

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- 4.193 Locally designated Areas of Attractive Landscape are landscapes to be valued so as to be protected and enhanced within the meaning of paragraph 109 of the Framework. In this regard the proposed development would be overlooked from the higher vantages of the designated areas, adversely affecting their setting and overall qualities. Policy RA.2 is a policy which merits weight.⁹⁵⁷
- 4.194 The Local Plan Inspector noted the degree to which the Fleet Marston site '*extends into the open countryside*' and '*would be more difficult to absorb into the local landscape*' than the Berryfields Major Development Area.⁹⁵⁸ He identified the importance of the '*low ridgeline*' to the north-west of Berryfields in providing visual containment to that site and restricting views of the proposed development on the open countryside to the north-west of the ridge.⁹⁵⁹
- 4.195 The development of Berryfields has had some, and will on completion have further, impact on the landscape; but this does not diminish the validity of the observations concerning the physical barrier between Aylesbury and the countryside provided by the ridge and the railway bridge, particularly on the approach along the A41 from the direction of Waddesdon.
- 4.196 Although the landscape contains some intrusive elements, including the A41 and the existing railway (and potentially HS2), these do not alter the open rural character of the site or its surrounding landscape. In this regard, particularly when viewed from higher ground, Fleet Marston stands out into the open countryside and the development would not be viewed against the backdrop of Aylesbury.⁹⁶⁰
- 4.197 The proposed development would cause a significant adverse change affecting the A41, for a distance of some 2 kilometres, which currently carries some 17,000 vehicles per day. Although users of the road would have a lower sensitivity than recreational users and residents, considerable weight should be given to the adverse effects and fundamental change on this number of receptors.⁹⁶¹
- 4.198 The Consortium's visualisations of Fleet Marston have been commended and were not subject to any criticism;⁹⁶² in terms of night time views, although there are glows of settlements nearby and lights from the A41, the design of street lights within Fleet Marston could do nothing to mitigate the effects on the night time sky of light from buildings and cars in the development. At present, the appeal site is in an extensive area of darkness which forms a contrast to the illumination of the urban area.⁹⁶³
- 4.199 All in all, the proposal would not integrate well into the surrounding open landscape with its high level of landscape and visual sensitivity; it would appear out of character and intrusive from the elevated Areas of Attractive Landscape; it would have significant night-time effects; and Fleet Marston would breach the well established gateway containment for the town.

⁹⁵⁷ BL/CB/1.1 paragraphs 2.22, 3.25

⁹⁵⁸ AV/JB/1.1 paragraph 149

⁹⁵⁹ AV/JB/1.1.1; AV/JB/1.1.5; AV/JB/1.1 paragraph 150

⁹⁶⁰ AV/JB/1.1.2; AV/JB/1.1.3; HF4/2 Appendix 14

⁹⁶¹ AV/JB/1.1 paragraphs 439 – 441; AV1.120

⁹⁶² HF/2/2 Appendix 14: Visualisations 1 - 4

⁹⁶³ AV1.120 paragraphs 471, 560 (Inspector's Report)

The second main consideration: the effect of the proposed development on heritage assets

Saint Mary's church

- 4.200 The grade II* Saint Mary's church is a designated asset.⁹⁶⁴ The effect of the proposed development would be directly on the setting of the building. The effect on the significance of the designated asset falls to be considered from the aesthetic, evidential and historical point of view.⁹⁶⁵
- 4.201 Although there have been changes in the surrounding area (the A41, the railway and Berryfields), essentially Saint Mary's stands isolated, reflecting its history as a deserted village and widely open to view from the surrounding landscape. Its isolation, emphasised by its elevated topography, provide the church's most striking feature.⁹⁶⁶
- 4.202 There is consensus between the experts that the setting contributes to the significance of the building;⁹⁶⁷ and that the Fleet Marston development would result in the total loss of the existing setting as there would no longer be the sense of isolation or desertion; and the evidential and historical link would be eliminated together with its important aesthetic attributes.⁹⁶⁸ It is also clear in terms of the density of development proposed that the effect of the proposed development would be to enclose the church within a high density development so that it would not be effectively visible from the surrounding area as an individual feature.
- 4.203 Although the Fleet Marston Addendum Environmental Statement concedes some harm to the building, it describes the significance of the effect as '*negligible/neutral*'.⁹⁶⁹ However, that ignores the removal of the existing setting as material; and it includes communal benefits which do not go to how the asset is experienced. The outcome would be '*major adverse*'.
- 4.204 On that basis, the only question is whether the public benefits of the proposal could be seen to outweigh that harm.⁹⁷⁰ English Heritage, in common with the expert witnesses for the Council, the Consortium and Hallam, do not regard any heritage implications of the development as remotely justifying the harm to the setting of Saint Mary's church.
- 4.205 The National Planning Policy Framework, at paragraph 133, sets out: -
'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'

⁹⁶⁴ CD 4.1 paragraphs 133 - 134

⁹⁶⁵ *East Northamptonshire DC v SSCLG* 2013 EWHC 473 (Admin) per Lang J at paragraphs 39 & 46

⁹⁶⁶ CD 7.22 pages 19 & 22; BL1.27 paragraph 2.42; BL1.60

⁹⁶⁷ AV/EH/4.1R

⁹⁶⁸ HF/2/2 Appendix 5

⁹⁶⁹ BL1.24 pages 63 - 64 paragraph 13.5 Heritage No 9

⁹⁷⁰ CD 4.1 paragraph 134

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- 4.206 There is no additional 'gloss' on the test as set out;⁹⁷¹ and the policy should be applied in a straightforward manner with consideration as to whether the harm to the significance would be substantial (as opposed to less than substantial). Accordingly, the destruction of the church's setting would constitute a sufficiently serious impact on the significance of the asset so as to engage paragraph 133. On that basis no case is offered to justify the development and the appeal should be dismissed on that ground irrespective of any other objections.
- 4.207 If, however, the harm is found to be less than substantial, it is agreed that it would be very close to being substantial and commensurate public benefits would have to be demonstrated to outweigh that harm.
- 4.208 The following considerations are important: -
- (a) there is no suggestion that the church is not well maintained, or that there is any threat to its structural retention under the guardianship of the Churches Conservation Trust;
 - (b) there is nothing of merit in the suggested new access to Saint Mary's as there is an existing private right of access on foot (which could be improved if considered by the Trust to be desirable);
 - (c) the suggested community benefits in the use of the church itself are not real or deliverable, in that the Fleet Marston scheme does not include any specific proposals or seek related approvals and/or consents; there is no identified role for it to play; and there is no consideration as to what alterations would be required to support any such future use and their acceptability in heritage or other terms;
 - (d) the Memorandum of Agreement,⁹⁷² which includes the provision of an access together with payments for past expense in maintaining or restoring the church together with future maintenance, is of doubtful materiality in that it could not operate as a binding obligation (it would not bind successors in title);
 - (e) the proposed conditions,⁹⁷³ in providing a liability of on-going maintenance would fall to be enforced against the owners of the land namely against the Churches Conservation Trust which would engage the test of 'reasonableness'; and
 - (f) the vagueness as to the proposed future use of the church is a matter of concern in that it is not known whether the purported benefits could only be realised with a significant cost to the fabric of the asset; yet, the materiality of those benefits, or otherwise, should be considered as part of the overall planning balance for the Fleet Marston project as a whole.
- 4.209 Thus, in light of the above, there is a clear-cut heritage objection to the proposal, irrespective of whether the effect on the setting of the church would cause substantial or less than substantial harm to the significance of the asset. In the latter case the proposal could only be justified if other benefits arose sufficient to outweigh that important public consideration.

⁹⁷¹ *Bedford Borough Council v Secretary of State for Communities and Local Government* [2012] EWHC 4344 (Admin)

⁹⁷² BL1.93

⁹⁷³ BL1.81

The third main consideration: the sustainability of the proposed urban extension in terms of highways and transportation

Bicester Road (A41)

- 4.210 The Core Strategy Inspector evidently saw the link as crucial and one where he anticipated that there would be significant improvement.⁹⁷⁴ The absence of any realistic response is striking; and the County Council's acknowledgement that it would be, at best, 'suboptimal' is telling.⁹⁷⁵
- 4.211 Given the constraints imposed by the narrow railway bridge over the A41, it is self-evident that the guidance in Shared Use Routes for Pedestrians and Cyclists could not remotely be achieved if a minimum 6.0 metre carriageway width were to be retained for the A41.⁹⁷⁶ Even that width for vehicular traffic would be unsatisfactory given its effect on traffic speed and capacity coupled with the inevitable conflict between cyclists remaining on the highway and other traffic.
- 4.212 The capacity of an urban road with a width of 6.1 metres (two-way single carriageway – busiest 60/40 directional split) is 1,020 vehicles per hour.⁹⁷⁷ In the morning peak hour the A41 through Fleet Marston carries 2,687 vehicles with 1,545 vehicles heading east; amounting to some 50% over capacity.⁹⁷⁸
- 4.213 Moreover, taking account of the proximity of the Parkway roundabout (some 200 metres south of the bridge) and a new junction serving part of Fleet Marston (150 metres to the north-west of the bridge) the capacity of this part of the link would be in the order of 1,500 vehicles per hour (split 900/600) amounting to a traffic demand some 179% over capacity.⁹⁷⁹
- 4.214 The traffic generation has been assessed at 2020, before the likely completion of the development, and before the design year of 2031 used to test Hampden Fields. It is also to be borne in mind that no public transport priority is proposed west of the Parkway roundabout and no such priority could be provided. The implication of the restricted width and traffic flows would be, at best, 'Level of Service F'⁹⁸⁰ with the inevitable corollary of stop start traffic and queues: -
- 'Forced flow takes place at this level of service, speeds are low and volumes are below capacity. This level is found in queues which are backing up. At the lowest level traffic stops'.*
- 4.215 That situation would be further exacerbated by predicted traffic conditions at the Parkway roundabout in the morning peak hour with queues between 32 and 700 vehicles.⁹⁸¹ Traffic approaching Aylesbury would, as a result, start queuing before the railway bridge.

⁹⁷⁴ AV1.8 paragraph 21: see paragraph 4.186 above

⁹⁷⁵ AV/DT/6.3 paragraph 2.45

⁹⁷⁶ CD 7.21; HF/3.1 paragraphs 7.7.1 - 7.7.12

⁹⁷⁷ CD 7.18 page 3/2

⁹⁷⁸ HF/3/1 paragraph 7.4.29

⁹⁷⁹ CD 7.18 page 3/2; HF/3/1 paragraph 7.4.29

⁹⁸⁰ HF/3/1 paragraph 7.4.39; HF/3/2 Appendix II

⁹⁸¹ equal & unequal queuing sensitivities - the actual figure is likely to be somewhere between the two

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- 4.216 With unequal queuing in the evening peak those queues would be worse reaching some 805 or 506 vehicles in either direction. This, on any basis, would be an unacceptable situation and would lead to intolerable delays including delays to public transport.
- 4.217 The County Council's conclusion: -⁹⁸² *'the Council does not consider that an objection to the application on the basis of the localised carriageway reduction under the railway bridge could be sustained'* is qualified by: - *'this is of course subject to detailed design including the Road Safety Audit process and addressing any issues that may arise as a result of that process'*. No such audit has been produced.
- 4.218 As Fleet Marston would be entirely reliant on the single A41 corridor to provide access for all modes of transport (in the direction of facilities in Aylesbury, Berryfields and the railway station), it would not fulfil the strategic objectives of the Transport Plan under the headings of Transfer, Re-route, Intercept and Manage (TRIM).
- 4.219 In this regard, the transfer of trips to walking, cycling and bus would be hampered by the capacity constraints and characteristics of the A41. In the absence of any new highway links, re-routing would be precluded and intercepting traffic would not be possible without a park and ride facility or a new railway station. In addition, Fleet Marston would not secure the management of the highway network for all users given its separation from the town and reliance on a single constrained corridor.⁹⁸³

The fourth main consideration: the effects of the HS2 proposals

- 4.220 From the information publicly available, the HS2 route is shown to be on a nominal embankment (1.0 – 1.5 metres) along the south-western boundary of the site with the line crossing the A41 some 1.4 metres above its existing level. In turn the A41 would be diverted south of its present position to pass over the railway, some 8 metres above its current level. The construction of the elevated carriageway would include embankments with likely effects on the provision of sports pitches in the western portion of the site.⁹⁸⁴
- 4.221 Overall, little detailed provision has been made in the Fleet Marston scheme to accommodate HS2;⁹⁸⁵ or to consider its likely impacts on, for example, playing field provision and on the phasing and implementation of landscaping. Moreover, the new line would do nothing to establish any effective containment that would address that deficiency.

⁹⁸² HF/3/2 appendix Y page 16

⁹⁸³ HF/3.1 paragraphs 7.14.1 – 7.14.5

⁹⁸⁴ HF/3.1 paragraphs 7.8.1 – 7.8.9; HF/3.2 Appendix PP

⁹⁸⁵ BL1.73, BL1.75, BL1.78A & BL1.78B simply identify the land without any consideration for construction requirements; and there is nothing to demonstrate how the components would be distributed or phased as part of the overall development

The sixth main consideration: the overall planning balance

Delivery

- 4.222 The Fleet Marston project, in addition to the failure to secure appropriate improvement to the A41 within the vicinity of the railway bridge or any connections to Berryfields or other parts of the urban area, would have a number of other shortcomings.
- 4.223 In this regard the provision of affordable housing would be in the range of 17% minimum and 35% maximum with no evident scope for higher 'claw back' provision in later stages.⁹⁸⁶ Moreover, the green infrastructure to the north-east of the railway (which would remain in small scale, low intensity productive agricultural use) would be, at most, of marginal relevance to the Green Infrastructure Strategy bearing in mind the emphasis placed on community accessibility and function.⁹⁸⁷
- 4.224 In terms of public transport, Barwood has not shown that the public transport services proposed would be commercially viable in the medium or long term;⁹⁸⁸ and the only evidence rests with Hallam's assessment to the contrary.⁹⁸⁹ On the basis of the proffered £915,000 contribution,⁹⁹⁰ it is apparent that only a single service could be supported; and, even then, there would be a shortfall so that the commercial service could not be viably supported in the medium to long term. In these circumstances the Secretary of State has no assurance that the level of services proposed, even on that limited basis, would be secured on an enduring basis.
- 4.225 Barwood prays in aid the benefit that Fleet Marston would bring in its contribution to the A41 Bicester Road Primary Public Transport Corridor as a means of completing the provision intended as part of the Berryfields development but subsequently scaled-back as a result of the section 106 contribution negotiated for that development.
- 4.226 However, the Primary Public Transport Corridor is a policy commitment;⁹⁹¹ and it would be wrong to conclude that, without Fleet Marston, the policy would never be delivered. The Infrastructure Delivery Plan and the Community Infrastructure Levy proposals provide mechanisms for the provision of funding for the proposed transportation infrastructure as a whole and the Primary Public Transport Corridor individually.
- 4.227 Nonetheless, the contribution that would be made associated with Fleet Marston would provide specific certainty for this element of public transport priority. However, Fleet Marston would be significantly further away from the town centre than Hampden Fields; and its critical public transport link, constrained by the bridge over the A41, would be unacceptably congested in peak hours and lacking any form of priority measures.

⁹⁸⁶ BL1.96 Schedule 1

⁹⁸⁷ BL1.96 Schedule 2

⁹⁸⁸ HF/3.1 paragraphs 7.6.1 – 7.6.7

⁹⁸⁹ HL/2/1 paragraphs 4.36 - 4.42 ; Appendices I - K

⁹⁹⁰ Inspector's note: - The draft obligation included a contribution of £915,000 – this was increased to £1,066,000 in the final deed submitted after the close of the Inquiry (BL1.97 Schedule 4, Table 2 (page 50))

⁹⁹¹ AV1.29 pages 76 - 77; AV1.77 page 43

- 4.228 In terms of East-West Rail, and the related advantages that would bring, the deficiencies in the route to Aylesbury Parkway railway station, from Fleet Marston, would remain. Moreover the benefits from wider rail accessibility to employment centres to the north of Aylesbury (including Milton Keynes and Bedford) would be available from Stoke Mandeville and Aylesbury stations with benefits for the town as a whole.
- 4.229 As to other transportation effects, Barwood's assessment of the degree to which trips would take place wholly within the development is unusually high;⁹⁹² and there can be no basis to suppose that all internal trips would be made by cycle or foot as the Fleet Marston site extends to some 2.4 kilometres from one end to the other.
- 4.230 Overall, there is nothing in the identified benefits which would outweigh the manifest disadvantages of Fleet Marston.

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⁹⁹² HF1.46; HF1.47; HF/3/4 paragraphs R2.9 – R2.36

5. The Cases for Hallam Land Management Limited

Introduction

Site and surroundings

- 5.1 Aylesbury is the largest town and an established employment centre in the district. Its town centre offers a broad range of services and facilities, including community, recreation, education, leisure and cultural activities. Aylesbury is acknowledged to be the most sustainable location in the district to accommodate growth.⁹⁹³
- 5.2 The appeal site covers an area of 11.21 hectares of agricultural land in the form of two parcels (eastern and western) either side of Buckingham Road (A413) on the northern edge of Aylesbury. It is not subject to any landscape, ecological, heritage or other form of land-use designation. There are no watercourses within the appeal site and it lies wholly within Flood Zone 1 and therefore outside the floodplain.
- 5.3 The site lies between the Weedon Hill Major Development Area (known as Buckingham Park) to the south and a group of properties to the north, which include Weedon Hill Farm, Weedon Hill House and Hanstead Stud. Buckingham Park is substantially completed and consists of some 1,000 new homes; a local centre; a primary school; sports pitches and the River Thame Park.⁹⁹⁴ Like Buckingham Park, the majority of the appeal site lies on the south facing valley slopes above the River Thame, oriented towards the Aylesbury urban area.⁹⁹⁵
- 5.4 A large roundabout on the A413 lies on the southern edge of the site, (the A413/Western Link Road roundabout). This provides access into Buckingham Park, as well as being designed to accommodate the consented Western Link Road, which is under construction.
- 5.5 The principle of urban development at Weedon Hill and within its local landscape is already accepted in that part of the western parcel of the appeal site lies within the Weedon Hill Major Development Area;⁹⁹⁶ and it has planning permission for a park and ride facility.
- 5.6 The western parcel, as a whole, comprises part of a single arable field, in agricultural use, which lies between Buckingham Park and Weedon Hill Farm.⁹⁹⁷ The consented park and ride site, in the south-eastern corner of the field, defined by a simple fence, is un-managed grassland.
- 5.7 The southern boundary, consisting of a tall maturing hedgerow, divides the land from the recently constructed houses at Buckingham Park and the new highways infrastructure. A post and rail fence, drainage ditch and a small area of woody scrub define the eastern boundary where it abuts the A413; and its northern boundary runs along the curtilage of Weedon Hill Farm, which includes farm buildings, mature trees and a tall hedgerow.

⁹⁹³ CD 6.24

⁹⁹⁴ CD 6.24 Plan 1 (4349-L-205-C)

⁹⁹⁵ HL/PR/3.2: Appendix 2 (Figure 3)

⁹⁹⁶ CD 3.3 Policy AY.14(i) (pages 117 – 119)

⁹⁹⁷ HL/PR/3.2: Appendix 2 (Figure 4)

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- 5.8 The western boundary, although not physically defined, lies on the eastern edge of a small east-west ridge at 85 metres above Ordnance Datum with the remainder of the land falling gently towards the A413/Western Link Road roundabout, where it reaches its lowest point at 75 metres.
- 5.9 The eastern parcel forms part of a single field of pasture between Weedon Hill House to the north and the River Thames to the south. The field is contained to the east by a dense mature hedgerow and to the south, by the course of the River Thames, with its associated tree cover. Beyond the river are pasture fields running up to the residential edge of Watermead, some 500 metres from the site.
- 5.10 The landform inclines gradually to the north of the site, with Weedon Hill Farm and the properties at Hanstead Stud on a small local rise (85 metres) above this part of the appeal site.
- 5.11 With the exception of a footway which runs alongside the A413, and forms part of the highway, there is no public access within, or across the site.

The first main consideration: the landscape and visual effects

Policy GP.35

- 5.12 This is the sole policy which was cited by the Council in the purported reasons for opposing both of the Hallam schemes. It provides as follows: -
- 'GP.35: The design of new development proposals should respect and complement:*
- (a) the physical characteristics of the site and the surroundings;*
 - (b) the building tradition, ordering, form and materials of the locality;*
 - (c) the historic scale and context of the setting;*
 - (d) the natural qualities and features of the area; and*
 - (e) the effect on important public views and skylines'.*
- 5.13 Aside from the development plan, which effectively expired in 2011, being out of date and having little materiality, Policy GP.35 has no direct relevance to the proposals. In this regard, the countryside protection policy, Policy RA.1, was not saved.
- 5.14 Policy GP.35 is contained within the section of the local plan which sets out general policies relating to the *'Conservation of the Built Environment'*, and under the sub-heading of *'Design Principles for New Development'*. Moreover, the policy specifically relates to *'Siting and Layout'*; *'Scale'*; and *'Materials and Design Details'*. As such it relates to the form of new development and the detailed design of new buildings, rather than the principle of development.⁹⁹⁸ This is the view taken by an Inspector in deciding an appeal at Winslow (referred to elsewhere as *'the second Winslow decision'*).⁹⁹⁹

⁹⁹⁸ HL/CH/4.4 paragraph 5.2

⁹⁹⁹ AV1.122 paragraph 20

Landscape and visual impact

Landscape character

- 5.15 The landscape character of the site is strongly influenced by its inter-visibility with the urban edge of Aylesbury and by the A413 corridor. The recently constructed properties of Buckingham Park adjoin the western parcel; the roundabout on the A413 is an additional urbanising feature; and the Western Link Road will have a further impact on the landscape.
- 5.16 The majority of the western parcel lies within the Northern Vale Landscape Character Area, which was identified in the Council's evidence base for the Core Strategy as having a high sensitivity. However, simply adopting that for the appeal site shows a lack of critical assessment and application.
- 5.17 Moreover, the Landscape Character Assessment, undertaken on behalf of the Council, was subject to criticism in a peer review;¹⁰⁰⁰ and the Council was, in the Quarrendon Fields Inquiry, critical of the reliability of the work. The Inspector concluded: -¹⁰⁰¹

'AVDC commissioned a Visual Impact Assessment and a Landscape Impact Assessment to inform strategic decisions on the location of future growth at Aylesbury AVDC was critical of some elements of these assessments it is important to recognise that this was a comparative exercise for the purpose of strategic decision making whereby the merits of different growth options were being tested relative to each other. It thus has limited value in the present case where it is necessary to consider the specific development proposal and the significance of the landscape and visual impacts that would ensue'.

The same principle applies to the determination of the Hallam appeals; and, thus, undermines the Council's case on landscape impact.

- 5.18 In any event, the Northern Vale is a vast area of landscape; and the existence of certain key characteristics across the totality of the area cannot excuse a failure to look closely at the particular characteristics of the appeal site. Significant variation in landscape sensitivity within the defined character area is evident from the preparatory work for the Core Strategy. The Aylesbury Vale: Areas of Sensitive Landscape indicates: -¹⁰⁰²

'.....LCAs (Landscape Character Areas) are identified at the District scale within which there will be internal variation The condition/sensitivity analysis considers the whole of the LCA and hence the contribution of a small area of high quality landscape within an LCA of generally lower landscape quality, may be masked by the landscape guideline for the LCA as a whole';

LCSA (Landscape Character Sub Areas) represent subtle variations within an LCA in relation to one or more characteristic, or in terms of condition'; and

'..... has led to the identification of Areas of Search comprising 96 LCSAs various approaches could be adopted to identify a cut-off within the Area of Sensitive Landscape scoring to identify LCSAs that might be carried forward as candidate areas'.

¹⁰⁰⁰ AV/JB/1.1.11

¹⁰⁰¹ CD 5.1 paragraph 349

¹⁰⁰² AV1.17 paragraphs 8.6, 8.12, 9.1, 9.4

- 5.19 The particular compartment occupied by the Hallam site was not on that analysis identified as being particularly sensitive; and not sufficiently sensitive to be carried forward as a potential candidate for a special or specific landscape policy.
- 5.20 The assessment of the site's landscape character starts from the fact that a significant part of the western parcel has been identified and found to be acceptable for park and ride purposes; illustrating clearly its ability to absorb development. Further, the relevant part of the appeal site does not contain any of the key characteristics of the Northern Vale character type in that:-
- (a) there is no network of meandering streams;
 - (b) the site is not an historic meadow;
 - (c) there is no public access to the site; and
 - (d) it is sloping rather than virtually flat.

Moreover, the area will be subdivided by the Western Link Road and the site is already influenced by the existing built form of Buckingham Park.

- 5.21 The suitability of this part of the site for development is further reinforced by the conclusions of the Local Plan Inspector in endorsing the Weedon Hill Major Development Area allocation (Buckingham Park). In this regard, the proposed allocation was identified to be appropriate on the basis of the site having a distinctive boundary coinciding with the ridge. The Inspector expressed the opinion that this feature would preclude significant visibility in the wider landscape and, in particular, from the footpath to the north; and it would ensure that the Quarrendon Scheduled Ancient Monument would be respected.
- 5.22 The proposed buildings of Weedon Hill would lie within the 84 metre contour thereby respecting the conclusions reached by the Local Plan Inspector. The site has an equivalent landscape character to the land previously endorsed for development; and there is no basis to suggest that there is any material difference in landscape character between the park and ride site and the remainder of the appeal site.
- 5.23 The majority of the eastern parcel sits within the Hulcott Vale Landscape Character Area which is of low sensitivity. Although the area was identified as being sensitive, as part of the work to identify areas of sensitive landscape, it was not found to be of sufficient merit to justify any additional landscape policy consideration.
- 5.24 Furthermore, this part of the appeal site does not exhibit the distinctive features of the wider Hulcott Vale character area and it is heavily influenced by intrusive features, including the A413 and the urban edge of Aylesbury. It follows that its sensitivity is again low and certainly of a type which has the clear capacity to absorb further change.

Visual effects

- 5.25 Turning to the issue of visual impact, the Hallam developments would be well related to the urban edge of Aylesbury and they would be observed within a context of modern residential properties and the A413 corridor, forming an appropriate extension of the urban edge of the town.

- 5.26 Aside from close range views from the adjacent A413, and from the small number of nearby properties that directly overlook the site, there would be few opportunities in which to gain views of the development from the wider landscape.
- 5.27 The pattern of gentle ridges, hedgerows and tree cover in the wider landscape would restrict visibility of the development; and the proposed green infrastructure framework would provide new woodland, hedges and tree cover around the perimeter of the development which would restrict visibility further and have additional long-term landscape and ecological benefits. In so far as there are views towards the site, the proposed development would be seen within an urban context of buildings at Buckingham Park and Aylesbury in general.
- 5.28 In terms of the eastern parcel, this part of the site is very well contained visually and the only public viewpoints into it are from the A413 corridor; and, as a result, the proposed development would not have a material visual impact.
- 5.29 For the western parcel, in the context of the approved park and ride facility, it is clear that the Local Plan Inspector regarded glimpsed views of this part of the site from the footpath to the north and views from the Scheduled Ancient Monument to be acceptable. Indeed, the western parcel is, in reality, less visible than the existing development at Buckingham Park.
- 5.30 In this regard, from the public footpath, any change in views would be of very limited significance; and a minor change in a view which already includes elements of built form from Buckingham Park.
- 5.31 From the Quarrendon Scheduled Ancient Monument, the modern dwellings in Buckingham Park form part of the existing view. Within this setting, any glimpsed view of development on the appeal site, in the distance, would not have any significant visual consequences.
- 5.32 The impact on the view from Weedon Hill Farm has to be assessed in comparative terms as if the approved park and ride facility was in place. The extra and additional visual change as a result of either of the proposed schemes would be negligible and neither would give rise to any significant or unacceptable effect.
- 5.33 Although the Council seeks to approach the assessment without accepting that part of the site forms part of the committed developed neighbourhood,¹⁰⁰³ the site is not a blank canvas and it would be wrong to overlook the park and ride approval as a highly material consideration in the assessment of the Hallam proposals.
- 5.34 So far as Weedon Hill House is concerned, its outlook is already influenced by the existing urban edge of Aylesbury; the owner of the house purchased the property in the knowledge of Hallam's proposals; and, properly landscaped, the proposals would not have any significant adverse effect on residential amenity.

¹⁰⁰³ AV1.142 paragraph 472

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- 5.35 It is also notable that there has been just one objection to the Hallam proposals from residents of Buckingham Park and none at all from Watermead.
- 5.36 In summary, both parts of the appeal site are influenced by the Aylesbury urban area; and both areas are of a landscape character whose sensitivity would be perfectly capable of absorbing the change which is contemplated. In terms of visual effects, both parcels are well contained; to the east of the A413, there would be no public viewpoints of the proposed development; and to the west, views from the wider landscape are already affected by the Buckingham Park development. Any additional impact would not be material.

The second main consideration: conditions and obligations

- 5.37 There are no outstanding matters on planning conditions.¹⁰⁰⁴
- 5.38 Two planning obligations under section 106 of the Town and Country Planning Act 1990 (one for each of the proposals) have been completed between the owners of the site and Aylesbury Vale District Council;¹⁰⁰⁵ and, similarly, two agreements have been made between the owners and Buckinghamshire County Council.¹⁰⁰⁶ Each is dated 6 December 2013.
- 5.39 The agreement with the District Council in relation to the mixed-use scheme provides: -
- (a) **provision and maintenance of on site landscaping and open space:** Aylesbury Vale District Local Plan - Policies GP.8, GP.38, GP.86, GP.91, and GP.94; Adopted Aylesbury Vale Green Infrastructure Strategy (2011); Sport and Leisure Facilities Supplementary Planning Guidance (2004); Sport and Leisure Supplementary Planning Guidance Ready Reckoner (2005); and National Planning Policy Framework - paragraphs 70, 71 and 73;
 - (b) **financial contribution (£67,887) for floodlighting at Meadowcroft open space facility or the maintenance of play spaces/community building at Buckingham Park:** Aylesbury Vale District Local Plan - Policies GP.8, GP.86, GP.87, GP.88, GP.91 and GP.94; Adopted Aylesbury Vale Green Infrastructure Strategy (2011); Sport and Leisure Facilities Supplementary Planning Guidance (2004); Sport and Leisure Supplementary Planning Guidance Ready Reckoner (2005); and National Planning Policy Framework - paragraphs 70, 71 and 73;
 - (c) **provision of affordable housing (35%):** Aylesbury Vale District Local Plan - Policy GP.2; Affordable Housing Supplementary Planning Document (2007); and National Planning Policy Framework - paragraph 50;
 - (d) **financial contribution (£8,000) Quarrendon Scheduled Ancient Monument:** Aylesbury Vale District Local Plan - Policy GP.59; and National Planning Policy Framework - paragraphs 126, 129 and 131;
 - (e) **financial contribution (£22,000) Automated Number Plate Recognition:** Aylesbury Vale District Local Plan - Policy GP.45; Safety Through Design Supplementary Planning Guidance (2001); and National Planning Policy Framework - paragraphs 58 and 69;

¹⁰⁰⁴ Annex F(i) and Annex F(ii) to this Report

¹⁰⁰⁵ HL1.25; HL1.26

¹⁰⁰⁶ HL1.27; HL1.28

- (f) **provision of the employment land as a serviced site and implementation of marketing strategy:** National Planning Policy Framework – paragraphs 18 - 21; and
 - (g) **financial contribution (£5,000) monitoring of compliance with planning obligation:** National Planning Policy Framework - paragraphs 203 - 206.
- 5.40 The agreement with the District Council in relation to the residential scheme differs from the above in so far as the financial contributions for (b) and (d) would be increased to £115,774 and £14,000 respectively to reflect the increased housing numbers; and (f) would not apply.
- 5.41 The agreement with the County Council for the mixed-use scheme provides: -
- (a) **highway improvement works and pedestrian crossing across the Western Link Road:** Aylesbury Vale District Local Plan - Policies AY.1 and AY.2; and National Planning Policy Framework – paragraphs 29, 32, 34 and 35;
 - (b) **financial contribution (£15,000) bus priority measures:** Aylesbury Vale District Local Plan - Policies AY.1, AY.2 and AY.17; and National Planning Policy Framework – paragraphs 29, 32, 34 and 35;
 - (c) **financial contribution (£1,000 per annum for five years) annual review of travel plan:** Aylesbury Vale District Local Plan - Policies AY.1, AY.2 and AY.17; and National Planning Policy Framework – paragraph 36;
 - (d) **financial contribution (£606,951) primary education:** Aylesbury Vale District Local Plan - Policy GP.94; Buckinghamshire County Council Guidance on Planning Obligations for Education Provision (2010);¹⁰⁰⁷ and National Planning Policy Framework – paragraphs 70 and 72;
 - (e) **financial contribution (£776,811) secondary education:** Aylesbury Vale District Local Plan - Policy GP.94; Buckinghamshire County Council Guidance on Planning Obligations for Education Provision (2010); and National Planning Policy Framework – paragraphs 70 and 72;
 - (f) **reservation and potential transfer (by long lease) of land for park and ride:** Aylesbury Vale District Local Plan - Policy AY.14;
 - (g) **financial contribution (£23,000) CCTV for park and ride:** Aylesbury Vale District Local Plan - Policy GP.45; Safety Through Design Supplementary Planning Guidance 2001; and National Planning Policy Framework – paragraphs 58 and 69;
 - (h) **financial contribution (£594,880) access and services to park and ride:** Aylesbury Vale District Local Plan - Policy AY.14; and
 - (i) **financial contribution (£3,000) monitoring of compliance with planning obligation:** National Planning Policy Framework – paragraphs 203 – 206.
- 5.42 The agreement for the residential scheme differs from that above in so far as the contributions for (d), (e) and (i) would be increased to £1,113,017, £1,424,108 and £5,000 respectively to reflect the increased housing numbers; and a further contribution (£170,999) would be due for special school facilities consistent with the trigger in the Council's Guidance on Planning Obligations for Education Provision.
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¹⁰⁰⁷ AV1.51

Other material considerations

Five year land supply and housing need

- 5.43 Given the limited scale of the Weedon Hill proposals the following brief points are relevant: -
- (a) the Council's criticism of the data published by the Office for National Statistics (for amongst other reasons the purposes of forward planning) as unreliable for decision-making in Aylesbury is not well-founded;
 - (b) as forecasts, the statistics are the best evidence available in order to properly judge the likely level of future households and their housing requirements; once deployed, there is a broad consensus amongst the appellants;¹⁰⁰⁸
 - (c) Hallam (1,087) and the Consortium (984) conclude that the annual requirement is around 1,000 additional homes; Barwood find somewhat more (1,341); with the Council significantly less (646) and, consequently, the provision within the Vale of Aylesbury Plan is not fit for purpose;
 - (d) the Council's isolation rests on its failure to use the migration assumptions which are included in the Office for National Statistics data; that data source is widely accepted; its use accords with the National Planning Policy Framework; and it has been applied by the other experts;¹⁰⁰⁹ and
 - (e) further doubt over the reliability of the Council's figures is cast by the seemingly unexplained change in the approach of the cabinet to housing numbers reducing the originally recommended requirement of 9,000 new homes up to 2031 (net of those in the delivery pipeline) to 6,000 dwellings for the same period.
- 5.44 The foregoing is sufficient to show that the Council's approach and reliance on the Vale of Aylesbury Plan is frail. Moreover, and in any event, the housing figure in the emerging plan is not one to which any significant weight could yet attach; the most recent tested requirement flows from the revoked Regional Strategy.
- 5.45 The question as to whether the Council has a five-year land supply reduces to the very simple issue of whether one should use the emerging and untested Vale of Aylesbury Plan figure, or the tested figure from the South East Plan. There is no policy basis for choosing the former, nor is there any evidence from decision-making, either by the Secretary of State or by Inspectors, to support that approach.¹⁰¹⁰ In those circumstances, it is clear that the Council does not have a five-year housing land supply.
- 5.46 The housing land supply in the district is around two years, representing a serious and significant shortfall, which adds considerable weight to the case for the urgent release of deliverable housing.
- 5.47 The best evidence shows that the average annual dwelling requirement is in the order of 1,000 dwellings per annum, if not more; and further development sites need to be identified in Aylesbury given its status as a highly sustainable settlement. This is a significant factor in favour of granting planning permission for the Weedon Hill schemes.

¹⁰⁰⁸ CD 6.15

¹⁰⁰⁹ CD 4.1 paragraph 50; CD 6.15 Table 1, line 2 et seq.

¹⁰¹⁰ CD 5.5; CD 5.8; CD 5.9; HL/CH/4.2 Appendices 2.3 & 2.4

Planning Policy

The Vale of Aylesbury Plan

5.48 There are inconsistencies between the Vale of Aylesbury Plan and the National Planning Policy Framework, including the requirement for the plan to meet the full, objectively assessed needs for market and affordable housing in the market area.¹⁰¹¹ Also, there is no joint Strategic Housing Market Assessment; and the Council has failed to demonstrate any form of genuine cooperation with neighbouring authorities.¹⁰¹²

The National Planning Policy Framework

5.49 It is agreed that the development plan is out of date and that planning permission should be granted unless: - *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*¹⁰¹³

5.50 Other relevant considerations in the National Planning Policy Framework include: -

- (a) *paragraph 7: achieving sustainable development;*
- (b) *paragraphs 11 - 14: the presumption in favour of sustainable development;*
- (c) *core planning principles: to meet the housing needs of the area in locations which are or can be made sustainable;*
- (d) *paragraph 30: promoting sustainable transport;*
- (e) *paragraphs 47 - 50: delivering a wide choice of homes;*
- (f) *paragraphs 18 - 21: building a strong competitive economy;*
- (g) *paragraphs 32, 34 and 37: promoting sustainable travel; and*
- (h) *paragraphs 186, 187, 196 and 197: decision-taking.*

The third main consideration: the overall planning balance

5.51 The principle of urban development, both on the western part of the site and within the local landscape, is already accepted; and the proposals are endorsed in highway and traffic terms. The single development plan policy cited against the developments, Policy GP.35, is a design policy and the schemes comply with its provisions and the projects are in accordance with the development plan as a whole.

5.52 The policies in the emerging Vale of Aylesbury Plan merit minimal weight; and, in any event, there would be no conflict with any of the relevant policies applicable to the Hallam proposals.

5.53 In terms of the National Planning Policy Framework, it is agreed that the Aylesbury Vale District Local Plan is out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

¹⁰¹¹ CD 4.1: paragraph 47

¹⁰¹² CD 5.15 (annex) paragraphs 9 - 17

¹⁰¹³ CD 4.1 paragraph 14; CD 6.24

- 5.54 The landscape objection maintained by the local planning authority clearly does not outweigh the benefits which would include: -
- (a) there are no issues of prematurity and/or prejudice to the plan-making process;
 - (b) the site is available and the housing element would be deliverable within five years contributing towards the accepted shortfall in housing numbers;
 - (c) there is a clear and extensive need for further affordable housing in the Aylesbury area and the schemes would deliver 35% (above the range sought by Policy GP.2 and in accordance with Policy VS9 of the Vale of Aylesbury Plan) and is thus a '*significant benefit*';¹⁰¹⁴
 - (d) the site is well placed to encourage public transport and sustainable modes of travel; new walking/cycling routes are to be introduced between the site and Buckingham Park;¹⁰¹⁵ it has the greatest potential for cycling and walking to trip attractors in comparison with the other appeal schemes; and, comparatively, it has the best rail connections with London (and would continue to do so with the provision of East-West Rail);¹⁰¹⁶
 - (e) the provision of green infrastructure, including the provision of new green space and amenity land (with a Locally Equipped Area for Play (LEAP)) would contribute towards the flagship projects identified in the Aylesbury Vale Green Infrastructure Strategy (2011), providing an '*additional benefit*' of the Hallam schemes;¹⁰¹⁷
 - (f) the site is located close to the substantially completed community facilities at Buckingham Park;
 - (g) the park and ride facility accords with the sustainable transport strategy for Aylesbury and would provide '*wider benefits*' for the town;¹⁰¹⁸
 - (h) the proposals, through the design principles set out would accord with Policy GP.35 and they would be in accordance with the design and environmental aspirations set out in the National Planning Policy Framework;
 - (i) the employment element of the mixed-use scheme would contribute significantly to the growth of the local and national economy, with the potential provision of up to 600 new jobs representing a '*positive benefit*' of the development;¹⁰¹⁹
 - (j) the planning obligations provide for a number of additional site and local benefits through contributions towards: highway improvement works; education; sport and leisure; Quarrendon Scheduled Ancient Monument; CCTV; bus priority measures; and travel plan;
 - (k) the two schemes would produce similar benefits and whilst the mixed-use development would deliver fewer affordable homes it would, as a counter balance, secure employment opportunities; and
 - (l) the proposed developments would be sustainable in economic, social and environmental terms.
- 5.55 On this basis, the benefits of the Hallam proposals would clearly outweigh any landscape impacts.

¹⁰¹⁴ AV/PJ/5.1 paragraph 8.40

¹⁰¹⁵ HL1.6 page 18

¹⁰¹⁶ HL/JB/2.1 paragraph 4.27

¹⁰¹⁷ AV/PJ/5.1 paragraph 8.42

¹⁰¹⁸ AV/PJ/5.1 paragraph 8.43

¹⁰¹⁹ AV/PJ/5.1 paragraph 8.41

Conclusions

5.56 The Aylesbury Vale District Local Plan is out of date and there is a significant shortfall in housing supply; the presumption in favour of sustainable development applies; the harm alleged would not be sufficient to outweigh the clear benefits which would arise; and planning permission should be granted for the Hallam proposals.

Matters following the close of the Inquiry¹⁰²⁰

- 5.57 The Planning Practice Guidance introduces more extensive clarification on precisely how local authorities should approach the measure of housing need.
- 5.58 The withdrawal of the Vale of Aylesbury Plan, as a direct consequence of the failure to objectively assess the full housing need for the district and to cooperate effectively with neighbours in the Strategic Housing Market Area, leaves the authority without any policy provision for housing or any up-to-date basis on which to calculate the five year land supply.
- 5.59 Although the Council has issued an interim Position Statement on housing land supply¹⁰²¹ based purely on a demographic projection (the 2011 Interim Household Projections) this does not represent a full objective assessment of need. Indeed the recent guidance makes clear that housing projections provide only the starting point and may require adjustment to reflect a wide range of other factors including migration levels.

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Hallam's representations in relation to Fleet Marston

Introduction

The Core Strategy Inspector's Interim Report¹⁰²²

5.60 As Barwood has placed great reliance on the Interim Report, in order to support its case, it is important to understand the context in which the Inspector's comments were made. In this regard: - firstly, the Inspector was looking at the Fleet Marston site as an option towards meeting the growth requirements set out in the South East Plan; the South East Plan is no longer part of the development plan; and, secondly, the report was an '*Interim Report*'; further work was required; and no conclusions on the merits of Fleet Marston were reached.¹⁰²³ Whilst the report is a material consideration it merits minimal weight.

¹⁰²⁰ HL1.28

¹⁰²¹ Inspector's note – the interim Position Statement has not been made available for my consideration as it constitutes 'new evidence'

¹⁰²² AV1.8

¹⁰²³ AV1.8 paragraph 27

Aylesbury Vale District Local Plan – Inspector's Report

- 5.61 The Inspector's Report into the objections to the Aylesbury Vale District Local Plan remains as a material consideration. In this regard, and in relation to Fleet Marston, the Inspector concluded: -¹⁰²⁴
- (a) *'..... while not a determining factor, the physical shape of the suggested Fleet Marston development would be more likely to lead to greater travelling for residents seeking local services than need be the case';*
 - (b) *'..... the somewhat contrived Fleet Marston proposals';*
 - (c) *'a particular concern is the degree to which the site extends into open countryside'; and*
 - (d) *'..... there are clear environmental and functional disadvantages to development at Fleet Marston'.*

It is notable that this site has not changed since the Inspector's Report.

Urban design

- 5.62 Fleet Marston is remote from the settlement of Aylesbury, both in terms of distance and physical separation by the railway line. It has a minimal (if any) relationship with the Berryfields Major Development Area, which currently represents the north-western extent of the built-up area of Aylesbury. As a result, the proposal would see urban development intrude into the open countryside in a manner lacking potential for connectivity and integration with the existing urban area.
- 5.63 The Expansion of Aylesbury: Landscape Overview, on which Barwood relies, is a study commissioned by Barwood for its own internal decision-making purposes.¹⁰²⁵ It represents a sequential attack on other sites while extolling the virtues of Fleet Marston; it is entirely self-serving and it does not assist in an objective assessment of any of the sites looked at.
- 5.64 It is claimed that Fleet Marston would be an example of good urban design, compliant with the *'hub and spoke'* principle advocated in The Taylor Review.¹⁰²⁶ However, in terms of the chronological progression of the scheme, Barwood obtained control of the site in November 2007; and its urban design process was underway before the publication of The Taylor Review. Moreover, the underlying urban design principles of the scheme have not evolved over time, although the layout has changed. On this basis, Fleet Marston was not, and could not have been, based on the Taylor model.
- 5.65 Significantly, the question remains as to whether Fleet Marston would reflect the Taylor model and whether it would be equivalent to one spoke leading out from the Aylesbury hub, or more like a spoke attached to an existing spoke. In any event The Taylor Review is not a policy document and it has been superseded by the National Planning Policy Framework in terms of what constitutes good urban design.

¹⁰²⁴ CD 3.5 paragraphs 6.22.10, 6.22.1, 6.22.14

¹⁰²⁵ BL1.12 paragraphs 1.1, 6.25

¹⁰²⁶ BL1.55; BL/ML/2.1 paragraphs 2.24, 2.31

- 5.66 In terms of the urban design principles extolled by Barwood, there are a number of other criticisms: -
- (a) the overall density of 51.77 dwellings per hectare would constitute a highly urban environment made up of urban neighbourhoods;
 - (b) the Commission for Architecture and Built Environment expressed reservations as to the relationship of the site with its sensitive countryside setting; and it was observed that the boundary zone was extremely important and that the transition from the built environment to the countryside beyond seemed abrupt and could evolve further;¹⁰²⁷
 - (c) the Design Council reiterated the point about the importance of the boundary zone: - *'..... we do not think that the alterations at the western edge have a noticeable positive impact on the transition between development and open countryside'*;¹⁰²⁸ and this remains as a design flaw in the scheme;
 - (d) tree planted boundaries would not provide physical containment to preclude further development beyond;
 - (e) it is likely that the route of HS2 would require a solid, linear, noise barrier rather than the smooth transition envisaged by the Design Council;¹⁰²⁹ which could, in turn, increase the visual impact of Fleet Marston and exacerbate this issue;
 - (f) in terms of movement all of the internal highway network would discharge on to the A41;¹⁰³⁰ and the only connection in the direction of Aylesbury would involve passing under the railway bridge;
 - (g) the Design Council expressed *'some concerns over whether the impact of this busy A-road can be reduced successfully'*;¹⁰³¹ it clearly represents a challenge;
 - (h) Barwood's aim to *'civilise'* the road has to be considered in the knowledge that 2,687 vehicles pass the site (morning peak hour) with 1,545 vehicles eastbound and 1,142 westbound; that volume not only exceeds the existing design capacity of the A41 but would be compounded by the proposed development; and
 - (i) in terms of cyclists it is acknowledged that some would be likely to use the road carriageway; pedestrians would have no option but to use a narrow pavement alongside the busy road; and the intended narrow, shared footway/cycleway would be likely to result in conflict between users; and, in the event of the provision of a footway only, pedestrians would have to compete with any cyclists who elected to cycle along the pavement rather than on the road.

¹⁰²⁷ BL/ML/2.3 Appendix 6

¹⁰²⁸ BL/ML/2.3 Appendix 7

¹⁰²⁹ AV1.144

¹⁰³⁰ BL1.23 page 22

¹⁰³¹ BL/ML/2.3 Appendix 7

The second main consideration: the effect of the proposed development on heritage assets

Saint Mary's church

- 5.67 'Significance' is defined in the National Planning Policy Framework as: -¹⁰³²
'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.
- 5.68 In turn, 'setting' is defined as: -¹⁰³³
'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.
- 5.69 The National Planning Policy Framework provides that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.¹⁰³⁴
- 5.70 Saint Mary's church is a grade II* listed building; and by definition a heritage asset of the highest significance;¹⁰³⁵ with its significance enhanced by its vesting in the Churches Conservation Trust.
- 5.71 Significance is assessed against a range of heritage values; including the application of the English Heritage Conservation Principles.¹⁰³⁶ There are four high-level groups of heritage values (with a degree of overlap): - evidential (which includes archaeological); aesthetic (architectural and artistic); historical (illustrative and associative); and communal.
- 5.72 The church is situated on a low-hill, in a relatively isolated position; it is a feature on the Fleet Marston site and has a presence over the area. It is surrounded by agricultural land within a rural landscape setting which is part and parcel of its aesthetic value. There would be a fundamental change if homes were to be introduced on all sides.¹⁰³⁷
- 5.73 In terms of the church's evidential value, it forms the last upstanding remains of an historic settlement, which suffered depopulation from around the fifteenth century: -¹⁰³⁸ *'Fleet Marston church has evidential value as a tangible memorial of the village it once served'.*¹⁰³⁹
- 5.74 Aesthetically, the church has several unique architectural features, including a former wooden bell-cote; high-quality work in the chancel and a screen roof. Indeed, Barwood's heritage expert regards it as: *'so beautiful and interesting, so inviting, cosy, homely in its scale'.*

¹⁰³² CD 4.1 Annex 2 (page 56)

¹⁰³³ CD 4.1 Annex 2 (page 56)

¹⁰³⁴ CD 4.1 paragraph 132

¹⁰³⁵ CD 4.1 paragraph 132

¹⁰³⁶ CD 7.24 paragraph 33

¹⁰³⁷ BL/CM/3.2 Appendix 7 (page 117)

¹⁰³⁸ HL/PD/1.1 paragraphs 3.1.4, 3.3.1 – 3.3.9

¹⁰³⁹ BL/CM/3.2 Appendix 2, paragraph 42; HF4.2 Appendix 5

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- 5.75 The building has an historical value as a parish church and its structure, which through the different phases, shows how it has developed and changed over time;¹⁰⁴⁰ the architectural and historic significance is established by its listing.
- 5.76 The church also has associations with John Wesley who was one of the greatest preachers in English history; and it was at Saint Mary's, in October 1725, where he preached his first sermon;¹⁰⁴¹ and Wesley himself (as recorded in his journal when aged 73) considered that his ministry began with that first sermon. The sermon still remains and it appears to have been used by him subsequently on 15 or so occasions. The continued isolation of the church in its rural setting provides tangible association with that event almost 300 years ago.
- 5.77 Barwood's expert, having summarised the evidential, historic and aesthetic value of the church continues: -¹⁰⁴² *'Perhaps more importantly, Fleet Marston has communal value. It has served as place of Christian worship for nearly 1,000 years'*
- 5.78 It is clear that the proposed development¹⁰⁴³ would see Saint Mary's surrounded, and over-looked, by three-storey buildings which if built to their maximum heights would be taller than the church.¹⁰⁴⁴ This would have the effect of replacing the current rural setting with one of urban character and completely unrelated in scale. The setting would not just be altered; it would be destroyed.
- 5.79 The National Planning Policy Framework sets out: -¹⁰⁴⁵
'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm';
'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.
- 5.80 *'There is a presumption against granting consent if the harm to significance is substantial'. 'Substantial and serious may be regarded as interchangeable adjectives in this context''*; and, in the context of non-physical or indirect harm *'one was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced'.*¹⁰⁴⁶
- 5.81 In Hallam's view, the harm caused to the significance of the church would be substantial and totally disproportionate to any of the alleged benefits. The Consortium also takes the view that the harm would be substantial;¹⁰⁴⁷

¹⁰⁴⁰ CD/BL/3.2 Appendix 2, paragraph 43

¹⁰⁴¹ HL/PD/1.1 paragraph 3.3.4

¹⁰⁴² BL/CM/3.2 Appendix 2 (page 0017)

¹⁰⁴³ BL/ML/2.3 Appendix 9, page 21

¹⁰⁴⁴ BL/ML/2.1 paragraph 4.20

¹⁰⁴⁵ CD 4.1 paragraphs 133 - 134

¹⁰⁴⁶ HF1.44: *Bedford BC v SCLG & Nuon UK Ltd [2013] EWHC, 2847* (paragraphs 25 – 26)

¹⁰⁴⁷ HF6.1 paragraph 3.4.5

and the Council considers that the proposal would harm the evidential, historic and aesthetic value of the church 'significantly' and the purported benefits would not outweigh that harm.

- 5.82 It can be seen that Barwood's expert's opinion stands in isolation; and following earlier consideration by the Core Strategy Inspector there is significantly more information and a greater volume of informed views as to the harm which would be caused. Additionally, although Barwood seeks support from the view of the County Archaeologists as to the level of harm caused by the proposed development,¹⁰⁴⁸ their expertise is specific to their profession, and minimal, if any, weight should be given to their comments.
- 5.83 The latest, and it should follow, the definitive view of English Heritage as to the harm that would be caused to the significance of Saint Mary's, is that it would cause 'an impact very close to that line' between substantial harm and less than substantial harm.¹⁰⁴⁹ Again, this is much closer to the view expressed by those opposing Fleet Marston.
- 5.84 The whole thrust of Barwood's case in relation to the church is that any negative impact from the proposed development would be offset by benefits which it is claimed would accrue from bringing the church back into more regular use. However, to turn it into a building fit for a variety of community uses would require the installation of facilities, such as lavatories and electricity, which are not currently provided; and necessitate applications for planning permission and/or listed building consent.
- 5.85 Importantly, no evidence has been put forward to show how the church would be brought back into use; and, without details, it is not possible to judge whether there would be any benefits; the claimed benefits remain no more than aspirational; and those aspirations are not set out in the submitted planning obligation.
- 5.86 Moreover, the proposed planning conditions, promoted by Barwood, do not set out firm proposals to achieve the contended benefits; and the Memorandum of Agreement between Barwood and the Churches Conservation Trust does not provide any certainty. It is, in effect, an agreement to agree; it contains no specific commitments as to the future use of the church (all that is provided is that: '*Initial availability of the church will be in accordance with CCT published policies. This would include community use*');¹⁰⁵⁰ and it is not an agreement that could be enforced by the Council.
- 5.87 The weight of expert opinion is that '*substantial*' harm would be caused to the significance of Saint Mary's church by the Fleet Marston development. For that reason alone planning should be refused.
- 5.88 If it is deemed that less than substantial harm would be caused, the absence of any firm proposals to secure the future of the church should be borne in mind when considering that impact and the acceptability of the development leading to a conclusion that the clear overall negative impact on the church would be a major disadvantage.

¹⁰⁴⁸ AV1.32

¹⁰⁴⁹ HL1.19

¹⁰⁵⁰ BL1.93 paragraph 5 of the Schedule

The third main consideration: the sustainability of the proposed urban extension in terms of highways and transportation

- 5.89 The Core Strategy Inspector found, in relation to Fleet Marston, that *'..... its distance from [the] town centre is a disadvantage'; and 'it is likely to be seen as an isolated new settlement in open countryside, separated by the railway'*.¹⁰⁵¹ Such factors undermine the sustainability credentials of Fleet Marston in relation to access to the retail, employment and other facilities at Aylesbury town centre; and, compared to Weedon Hill and Hampden Fields, it would be the least well placed in relation to these trip attractors.
- 5.90 Future residents of the Great Marston community, at the northern end of Fleet Marston, would be unlikely to walk to Aylesbury town centre, due to the distance; and the same consideration would apply to children attending secondary school at Berryfields. It is also to be noted that Fleet Marston would be isolated in terms of operational policing requiring transport of officers by car.
- 5.91 Returning to the A41 railway bridge, the propensity to walk to a destination is influenced not only by distance but also by the quality of the route; and the width of a pathway, in turn, strongly influences the quality of the route.¹⁰⁵²
- 5.92 It is apparent, according to the County Council, that:-¹⁰⁵³
'It is clearly far from ideal that the carriageway of the A41 is narrowed locally in the immediate vicinity of the bridge to have a carriageway width of 6.4m in order to facilitate a less than ideal footway/cycleway provision under the bridge 2.0m in width the advice is generally that single two-way carriageway roads should have a width of 7.3m'.
- 5.93 The A41 passes under the railway bridge for a length of 12.35 metres, which would result in an equivalent distance of sub-standard footway, and the recommended width of 3.0 metres would only be achieved some 30.0 metres beyond the pinch point. Moreover, from the survey measurements produced during the Inquiry, possible layouts indicate a road carriageway width of 6.0 metres;¹⁰⁵⁴ or narrowing to as little as 5.32 metres if a footway were to be provided.
- 5.94 With a 6.1 metres wide carriageway, the maximum single direction capacity would be 1,020 vehicles per hour; and with Fleet Marston the A41 would be over capacity by a considerable margin in the morning and evening peaks, both towards and away from Aylesbury.¹⁰⁵⁵
- 5.95 Given the immovable dimensions of the bridge, the provision of a sub-standard, narrow, shared footway/cycleway would amount to a very poor link, in an environment hostile to pedestrians and cyclists, which would be unattractive to users and a deterrent to its use. Far from encouraging greater use of sustainable modes of transport, the Fleet Marston development would discourage walking and cycling.

¹⁰⁵¹ AV1.8 paragraphs 8, 10

¹⁰⁵² CD 7.20 paragraph 5.13; CD 7.21 page 40

¹⁰⁵³ BL1.67

¹⁰⁵⁴ HF1.45A; HF 1.45B

¹⁰⁵⁵ CD 7.18; HL/JB/2.1 paragraphs 4.4 - 4.5

- 5.96 In terms of public transport, Fleet Marston, using Aylesbury Vale Parkway station (compared to Aylesbury/Stoke Mandeville), currently has the worst train service frequency to London. It also has the lowest level of existing bus provision and the worst accessibility to existing bus stops;¹⁰⁵⁶ which would not be conducive to the establishment of a high frequency service for the proposed development.
- 5.97 Further, in relation to bus services, the Transport Assessment supporting the original application proposed to create two new bus services for the site. However, the assumed public transport mode share was substantially higher than is currently experienced in Aylesbury Vale (including the centre of Aylesbury). More recently, a lower level of provision has been agreed, with the County Council, consisting of a single new bus service between the site, Parkway station and the town centre.¹⁰⁵⁷
- 5.98 The level of funding required for that service (even based on the original assumption of high public transport usage) would require a subsidy approaching £1.4 million over the first five years of operation¹⁰⁵⁸ compared to the £915,000 to be provided by the planning obligation, which itself falls short of the allowance sought by Buckinghamshire County Council.¹⁰⁵⁹
- 5.99 The aim to minimise car usage relies on the juxtaposition of homes and employment uses; but that cannot be relied on by itself to achieve a level of car usage at what would be half the level of the surrounding area. The claim that 41.3% of all trips from the residential uses would be internalised within the site appears unrealistic as only a minority of Aylesbury Wards show this level of employment within 2 kilometres of home; and Aylesbury Central achieves only 39.9% even with better public transport provision than would be available to Fleet Marston.¹⁰⁶⁰ On this basis the car mode share put forward for Fleet Marston appears to be unjustifiably low.
- 5.100 Consequently, more people would be likely to use their cars and public transport patronage would be less than suggested; and less revenue from fewer bus passengers further calls into question whether the proposed new bus services could continue on a commercial basis. If they could not, the sustainability credentials of Fleet Marston would be further undermined.

The sixth main consideration: the overall planning balance

- 5.101 In short, there are significant adverse impacts, which would arise from the Fleet Marston proposal, including: - the negative urban design impacts; the impact on highways; and the adverse effects on Saint Mary's church. Whilst some benefits would accrue, through the provision of housing and a contribution to economic growth, the overall adverse impacts would significantly and demonstrably outweigh the benefits.

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¹⁰⁵⁶ BL/CR/4.1; cf HL/JB/2.1 Tables at page 15 - 16

¹⁰⁵⁷ HL/JB/2.1 paragraphs 4.32 - 4.35

¹⁰⁵⁸ HL/JB/2.1 paragraphs 4.36 - 4.39; & Appendix J

¹⁰⁵⁹ HL/JB/2.1 paragraph 4.31; HL/JB/2.1 Appendix H (paragraph 1.3)

Inspector's note: - The draft obligation included a contribution of £915,000 – this was increased to £1,066,000 in the final deed submitted after the close of the Inquiry (BL1.97 Schedule 4, Table 2 (page 50))

¹⁰⁶⁰ HL/JB/2.4 paragraphs 3.1 - 3.15

6. The Case for the Hampden Fields Action Group

Introduction

- 6.1 It is a measure of public opposition that on the back of nearly 8,500 letters of objection the group was formed, rule 6 status sought and obtained and extensive community fundraising undertaken in order that it could meaningfully contribute to the Inquiry. The group is neutral on the merits of Fleet Marston and land north of Weedon Hill, save to note that the Hampden Fields proposal is far more unacceptable. The group has not called evidence and makes no submissions on the issue of housing land supply; it supports the position of the Council.

The first main consideration: the landscape and visual effects

The second main consideration: coalescence and settlement identity

- 6.2 Despite conflicting evidence from two of the appellant's witnesses there was a clear concession that the proposed development would join Stoke Mandeville which would lead to coalescence contrary to Policy RA.2 of the Aylesbury Vale District Local Plan.
- 6.3 There is a large level of agreement on the value of the appeal site; the shortcomings in the appellant's methodology; the proper approach to be taken when analysing the scheme; and the likely impact of the proposed development. The extent of common ground can be set out as follows: -

The value of the appeal site

- (a) the appeal site enjoys a natural and open appearance;
- (b) the appeal site is an area of open accessible countryside which is valuable to the urban communities which are near to it;
- (c) the presence of four public rights of way within the site enhance its amenity value;
- (d) the appeal site lies within the setting of the Chilterns Area of Outstanding Natural Beauty and the value of the land is enhanced by its role in enabling visual connectivity with it. The Landscape Character Assessment records '*the Chilterns to the south are the backdrop to many views*';
- (e) the appeal site provides readily accessible viewing opportunities of the Chilterns;
- (f) the existing agricultural field which abuts Marroway represents a positive land use as it helps to provide a rural setting to Weston Turville;

The appellant's methodology

- (g) the appellant's Landscape and Visual Impact Assessment makes no mention of Policy RA.2 and fails to address the value of the land as an open area between two settlements which prevents coalescence;
- (h) the Revised Design and Access Statement does not address the role of the appeal site in separating Weston Turville and Aylesbury;
- (i) the appellant's photomontages do not always show the worst case; some building heights reflect the appellant's likely aspirations, expressed during the Inquiry, rather than that to which planning permission was sought;

- (j) the appellant's photomontage of the sensitive gap between Weston Turville and Stoke Mandeville omits to show the distinctly urbanising feature of the new proposed road off Marroway;
- (k) the appellant's photomontages (e.g. D1-4) show the foreground as agricultural land whereas it is proposed as formal green infrastructure;

The proper analytical approach

- (l) the appeal site is protected by Policy RA.2 which is relevant, up-to-date and consistent with the National Planning Policy Framework;
- (m) where gaps are small, Policy RA.2 is to be applied with rigour;
- (n) the appeal site is a valued landscape¹⁰⁶¹ on account of its role in maintaining the identity of Weston Turville and Stoke Mandeville, avoiding coalescence and the public support it enjoys; and for its rarity given there is only a small amount of open land between these settlements and, in turn, Aylesbury;
- (o) it is the explicit intention that the proposal would form an urban extension of Aylesbury and Stoke Mandeville;
- (p) landscape buffers would be required to make the proposal acceptable at this location;
- (q) the scheme comprises two separate neighbourhoods: - the eastern is intended to form part of Aylesbury and the western neighbourhood would be part of Stoke Mandeville. The neighbourhoods would be *inextricably linked by the green infrastructure*;¹⁰⁶²
- (r) the proposed sports pitches, which are intended to act as buffers to keep the settlements separate, will be used by all three settlements (Aylesbury, Stoke Mandeville and Weston Turville – in addition to the new community) as shared facilities;
- (s) there has been no attempt to keep the proposed development separate from Stoke Mandeville as they will abut each other;
- (t) the Chilterns Conservation Board continues to oppose the appeal: - the site forms a strategic gap and its loss would have a harmful impact on the setting of the Chilterns Area of Outstanding Natural Beauty;¹⁰⁶³

Impact

- (u) if the appeal is allowed, the character of the appeal site would be fundamentally altered and no part of it would remain as countryside;
- (v) the proposed development would not enhance this valued landscape;
- (w) the new road in the existing narrow gap between Stoke Mandeville and Aylesbury (at Wendover Road) would erode the gap and would be seen as an urbanising feature;
- (x) the proposed junction on to Marroway would lead to the removal of approximately 100 metres of hedgerow and may require the installation of lighting;
- (y) the proposed development would cause the loss of the historic field pattern, contrary to the guideline of the Landscape Character Assessment;

¹⁰⁶¹ CD 4.1 paragraph 109

¹⁰⁶² HF1.9 Section 4.4 (first bullet)

¹⁰⁶³ HF1.20 paragraph 7.8

- (z) the ability to appreciate the Chilterns from certain points of the appeal site would be compromised;
- (aa) if the appeal is allowed, the gap between the nearest dwelling of Weston Turville and the edge of the proposed sports and recreation area would be approximately 150 metres;
- (bb) similarly, the gap between the western edge of Weston Turville's recreation ground and the eastern edge of the proposed sports and recreation area would be in the region of 50 metres; and
- (cc) the recreation area of Weston Turville, Stoke Mandeville and Aylesbury would be separated by only the hedge boundary.

6.4 The appellant's landscape case was advanced on several unattractive propositions: -

- (a) the '*manicured*' Weston Turville golf club was considered to be a '*countryside feature*' and '*not urbanising at all*';
- (b) the new road on to Wendover Road, in the narrow gap between Stoke Mandeville and Aylesbury, would introduce an urban feature (including a lit roadway and opening up the field for built development), but it would, nonetheless, '*improve the function of the gap*';
- (c) the experience of standing within the proposed formal sports area alongside the pavilion and lighting, as opposed to the present agricultural field, would seem like countryside; and
- (d) the new junction on Marroway, including the removal of a length of hedgerow, together with the provision of lighting and signage, would be '*barely perceptible*'.

6.5 The same was true of the urban design evidence: -

- (a) it is clear that the proposal was promoted as two separate neighbourhoods of a single garden suburb of Aylesbury.¹⁰⁶⁴ However, in evidence the western neighbourhood was characterised as an extension of Stoke Mandeville undermining the initial design vision;
- (b) it was said that if one were stood in either the Hampden Fields Community Park or the recreation and sports area one would not feel as being in either Aylesbury or Stoke Mandeville; and
- (c) notwithstanding the description, character and use of the formal sports area, it was subsequently claimed (even with a sports pavilion of up to 50 metres in length and 9 metres in height together with an illuminated car park and floodlit pitches) the area would continue to be perceived as countryside.

6.6 None of this changes the fact that the appeal site occupies a very sensitive location; and, in accordance with Policy RA.2 of the Aylesbury Vale District Local Plan, it is an area of open countryside which serves an important function in preserving the identity of the villages outlying Aylesbury. It also falls to be considered as a valued landscape which is derived from a number of factors including: -

- (a) the extent to which it is characteristic of the landscape character type of the Southern Vale;
- (b) the important viewing opportunities it provides of the Chilterns Area of Outstanding Natural Beauty;

¹⁰⁶⁴ HF1.9

- (c) the concentration of public rights of way which are well-used; confirmation from the Secretary of the Chilterns Society Rights of Way Group that the *'proposed development would cause a serious loss of amenity for the users of these paths and deprive walkers of all the rural routes between Weston Turville and Aylesbury'*;¹⁰⁶⁵ and acknowledgement by the appellant that, for those people who use the footpaths to enjoy the countryside, the change to the character of the walk would be perceived to be for the worse;
 - (d) its important role in maintaining the openness and sense of separation between settlements and defining their sense of place and character; and
 - (e) the high number of longstanding and consistent local objections to the proposals reflecting the desirability of maintaining the green gap and the identity of the settlements.
- 6.7 In short, the land constitutes an important strategic green gap; it is fundamentally rural in character; and generally intact and unspoiled countryside. It is not *'scruffy'* urban-fringe.
- 6.8 The current gap between the southern edge of Aylesbury and Weston Turville is approximately 1.5 kilometres; the proposal would see it reduced to a minimum of 270 metres.¹⁰⁶⁶ The resultant *'gap'* would be laid out for formal recreation provision and would help to bridge the settlements, rather than maintain their integrity and character. Consequently, there would be no meaningful separation between Aylesbury and the outlying villages to the south; coalescence would be the inevitable consequence if permission is granted.
- 6.9 Moreover, the appeal site occupies some 40% of the Southern Vale landscape character type and the development would cut it in two thereby undermining its integrity.¹⁰⁶⁷
- 6.10 The Aylesbury Vale District Local Plan offers protection to the site in that: - *'The Council will resist development that would compromise the open character of the countryside between settlements, especially where the gaps between them are already small'*.¹⁰⁶⁸ Conflict with Policy RA.2 would be reinforced by the failure of the proposal to enhance this valued landscape as required by the National Planning Policy Framework.
- 6.11 The harm would be compounded by the provision of a number of buildings in the eastern neighbourhood which would be up to 3.5 storeys high.¹⁰⁶⁹ These would be out of character with their typical two-storey setting.

The fifth main consideration: highways and transportation

- 6.12 The appellant's highway case evolved, in an unsatisfactory manner, over a long period of time.¹⁰⁷⁰ The principal milestones of the journey include a Transport Assessment in March 2012; a Revised Transport Assessment in November 2012; and a large number of Technical Notes drip-fed over a period of weeks including a whole wealth of technical information provided a matter of five working days before the exchange of evidence.

¹⁰⁶⁵ HFAG/JS paragraph 4.1

¹⁰⁶⁶ BL/CB/1/1 paragraph 4.35

¹⁰⁶⁷ HFAG/PR/1

¹⁰⁶⁸ CD 3.3 paragraph 10.6

¹⁰⁶⁹ HF1.9 Figure 4.13 (page 95)

¹⁰⁷⁰ HFAG/GT/2 paragraphs 1.1 – 1.7

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- 6.13 It was some four months after the Inquiry opened that agreement was reached with the County Council and the local planning authority's highways putative reason for refusal was withdrawn. Two working days before the Inquiry resumed for week 7, the new highways Statement of Common Ground (accompanied by technical information running to 993 pages) was provided.
- 6.14 The County Council has confirmed that the package of changes, including the closure of the northern arm of the Walton Street gyratory, is required to make the impact of the development acceptable in highway terms. In the absence of these off-site works, the County Council remains of the view that the development would cause an unacceptable impact on the functioning of the highway network.¹⁰⁷¹
- 6.15 It is clear that in the highway authority's view these off-site works have a vital role in reducing the appeal scheme's impact on the highway to an acceptable level. However, the works do not form part of the planning application in that they are intended to be delivered through a Traffic Regulation Order which has no certainty of acceptability following consultation and assessment. There is, at least, a real risk that the off-site highway works, which the appellant aspires to bring about, would not occur; and no certainty, if planning permission is granted, that the development would not have an unacceptable impact on the highway network.
- 6.16 The package of changes has been put together with undue haste and lack of clarity. It is clear that the County Council understood the proposals to include the closure of the northern arm of the gyratory to all traffic; but, during the course of the appellant's evidence, it emerged that northbound, emergency, vehicles and cyclists would be able to turn right into Wendover Road and buses were subsequently added as a further exception.
- 6.17 The highways case has not been convincingly made; differences in the understanding of the agreement between the appellant and the highway authority are evident; and the Action Group had insufficient time to properly and fully consider the changes to the appellant's highways scheme. However, in the limited time available, it was clear that there were a number of deficiencies which remained at the close of the Inquiry.
- 6.18 The underlying requirement for a decision-maker to have full information has not been met in that the appellant has failed to provide the detailed modelling output for the Exchange Street roundabout or the final output for the Walton Street gyratory.¹⁰⁷² Without these, the Action Group and the decision-maker are denied the opportunity to assess whether the conclusions reached in the assessment are accurate and robust.
- 6.19 It is also important to note that the appellant's assessment proceeded on the basis that all the traffic which presently turns right at the gyratory, would (if the new scheme is put into effect) travel up Walton Street and effectively go back on themselves at the Exchange Street roundabout.

¹⁰⁷¹ CD 4.1 paragraph 32

¹⁰⁷² HFAG/GT/3 paragraphs 1.10 – 1.12

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- 6.20 This assumption is neither robust nor supported by the evidence and the highway authority's concession that not all affected drivers could be expected to behave in this way. The evidence of a local resident (and Councillor), the Head Master of the Grammar School, and Thames Valley Police, is to be preferred to the appellant's lack of local knowledge.
- 6.21 It is common ground that the number of vehicles involved would be up to 900 per hour at the peak time. A robust assessment would require the proposed changes to the network to be run through the Aylesbury traffic model to determine what the full effects of the scheme are likely to be.¹⁰⁷³
- 6.22 A further consequence would be the narrowing of lanes to create a fourth lane and the removal of the central reservation on Walton Street. Walton Street is a particularly sensitive location given its close proximity to a high concentration of schools. There is no dispute that the existence of a central reservation discourages pedestrians from crossing the road at an inappropriate location; its removal would be a retrograde step which, in combination with the narrowing of the lanes, would be likely to have adverse safety implications.¹⁰⁷⁴ It is telling that a safety audit has not been undertaken; adding further doubt on the appellant's highways case.
- 6.23 Following the evidence, and before the close of the Inquiry, Buckinghamshire Healthcare NHS Trust expressed concerns about the impact on ambulance journey times. This was shared by the South Central Ambulance Trust who observed that it had been unable to accurately assess how many ambulance journeys might be affected but expressed concern that changes could adversely affect response times given that the gyratory is one of the main routes to Stoke Mandeville hospital.
- 6.24 The Action Group remains firmly of the view that the highways scheme is significantly deficient in three other important respects: -
- (a) the proposed South Eastern Link Road would not fulfil its purported role as a strategic link road, as there would be an inherent conflict between this function and the urban street character of its central sections which would contain pedestrian crossings, bus stops and on street parking with the effect of reducing vehicle speeds.¹⁰⁷⁵ Thus, the significant strategic benefits of the link road to which the appellant prays in aid, are unlikely to come to occur;
 - (b) as a result of the scale of the proposed development, a large number of junctions on the network are calculated to be over-loaded, some significantly so, resulting in longer queues and congestion.¹⁰⁷⁶ The County Council agrees with the Action Group that a junction becomes over-loaded at 85-90%.¹⁰⁷⁷ The appellant's far more optimistic view of 95-100% is unlikely to prove robust; and its reliance on the fact that the junctions are shown as over-loaded into the future, in the absence of the Hampden Fields development, reinforces the inappropriateness of this location for the scale of development proposed. The inevitable consequence is considerable congestion and delay on the local road network if the appeal is allowed, notwithstanding the improvements provided for by the obligation; and

¹⁰⁷³ HFAG/GT/3 paragraph 1.23

¹⁰⁷⁴ SL.1; HFAG/GT/3 paragraphs 1.13 – 1.15

¹⁰⁷⁵ HFAG/GT/1 paragraphs 4.1 – 4.13 & Figure GBT1; HFAG/GT/2 paragraph 1.21; HFAG/GT/3 paragraphs 1.5 - 1.6

¹⁰⁷⁶ HFAG/GT/2 paragraphs 1.16 – 1.20; HFAG/GT/3 paragraphs 1.18 – 1.24

¹⁰⁷⁷ HFAG/GT/1 paragraphs 2.7 - 2.8

(c) it is agreed that the appropriate measure for the recommended walking time to a railway station is twenty minutes; as a significant part of the site would not be within this 'zone' most of the future residents would be unlikely to find rail travel an attractive alternative to the car. Additionally, some 60% of the proposed dwellings would not be well-served by the existing bus services and would be dependent on the single additional service, running in a loop to/from Aylesbury town centre, which is proposed as part of the scheme. The proposed new service would be a poor substitute and would not provide any additional service outside the town.¹⁰⁷⁸ The sustainability credentials of the appeal site have been markedly exaggerated.

6.25 It is apparent that, notwithstanding the proposed improvements to the highway network, the residual impacts of development would be likely to be severe. The appeal should be dismissed, consistent with national guidance: - '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'.¹⁰⁷⁹

Other material considerations

Prematurity and local opposition

6.26 One of the government's core planning principles is that planning should '*be genuinely plan-led, empowering local people to shape their surroundings*'.¹⁰⁸⁰ Local plans are the key to delivering sustainable development. The Council is now well advanced in its local plan process, following a hiatus in the final demise of the South East Plan.

6.27 Allowing the appeal would deny local people the opportunity to influence the proper planning of their area; it would prejudice the practical application of the emerging local plan, as it would predetermine the location of the needed additional housing growth; and it would provide more housing at Aylesbury than is envisaged in the emerging plan. Some 3,249 of the responses to the original and the revised applications relate to this issue of prematurity and provide testimony to the scale of disadvantage that local people would experience.

6.28 The Ministerial Foreword to the National Planning Policy Framework observes that '*in recent years planning has tended to exclude rather than to include people and communities*'. It is difficult to see how allowing this appeal would help to abate, what the government identifies as, a worrying trend.

The seventh main consideration: the overall planning balance

6.29 It is clear that the appeal site is in the wrong place to meet the strategic housing needs of the district. It cannot convincingly be characterised as sustainable development in the terms sought by government. The development does not accord with the development plan and conflicts with important aspects of the Framework.

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¹⁰⁷⁸ HFAG/GT/1 paragraphs 5.1 – 5.6 & Figure GBT2; HFAG/GT/2 paragraphs 1.24 - 1.28

¹⁰⁷⁹ CD 4.1 paragraph 32

¹⁰⁸⁰ CD 4.1 paragraph 17

7. The Case for Arnold White Estates Limited¹⁰⁸¹

Introduction

7.1 Arnold White Estates Limited, whilst sharing other concerns raised against Fleet Marston, limits its case to two matters: - highways connectivity and HS2.

The third main consideration: the sustainability of the proposed urban extension in terms of highways and transportation

- 7.2 The proposal relies on a wholly inadequate single road link between the site and Aylesbury which is constrained by a railway bridge crossing the A41 at the south-eastern end of the site.
- 7.3 Fleet Marston is being promoted as a '*sustainable urban extension*' to Aylesbury; but to be truly sustainable it must be joined by means which include proper pedestrian, cycle and vehicular linkages. Otherwise, Fleet Marston would not be sustainable and it would fail the '*golden thread test*' of the National Planning Policy Framework.
- 7.4 It is agreed that satisfactory provision needs to be made to facilitate the movement of pedestrians, cyclists and vehicles through the pinch point of the railway bridge as it crosses the A41; and that the bridge cannot be widened. The issue is whether the proposed single linkage could be achieved safely, conveniently and in accordance with adopted standards.
- 7.5 It would be unusual for a site of this size to have a single multi-purpose access route; it is therefore vital that provision for all users should be to an acceptable standard. The District Council casts doubt on the highway authority's stance;¹⁰⁸² no reference is made to the pinch point in the Statement of Common Ground;¹⁰⁸³ and no reassurance has been provided about serious consideration having been given to the matter despite the expressed requirements of Buckinghamshire County Council.¹⁰⁸⁴
- 7.6 The provision of sustainable transport modes relies on giving priority to pedestrian and cycle movements and creating safe and secure layouts which minimise conflicts between vehicular traffic and other users.¹⁰⁸⁵ Whilst the fine detail could be left to a subsequent reserved matters application, the decision now must be to assess whether there is a realistic prospect of a safe, convenient and practical scheme being delivered given the fixed parameter of the bridge width (agreed to be 9.08m).¹⁰⁸⁶
- 7.7 The '*judgement*' must be informed by relevant government policy and guidance. Local Transport Note 1/12 (September 2012) indicates that the '*preferred minimum effective width*' for a shared cycle/pedestrian route (to be provided on the northern side of the A41) is 3.0 metres. Additional width

¹⁰⁸¹ Rule 6 party objecting to Fleet Marston

¹⁰⁸² AV/PJ/1/1 paragraphs 6.74 - 6.75

¹⁰⁸³ CD 6.2

¹⁰⁸⁴ GG15

¹⁰⁸⁵ CD 4.1 paragraph 35

¹⁰⁸⁶ BL1.82B

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- is to be added where the route is bounded by a vertical feature (0.5 metres); and adjoined by a raised kerb (0.2 metres).¹⁰⁸⁷ This results in a preferred minimum width of 3.7 metres.
- 7.8 Appropriate carriageway widths are set out in Design Manual for Roads and Bridges. The carriageway width of the A41 in this location should be 7.3 metres; and a further 0.5 metres should be added to provide a buffer to the bridge abutment on the southern side of the A41. Kerbs would add a further 0.5 metres. Even then this excludes the provision of a pedestrian footway on both sides of the carriageway.¹⁰⁸⁸
- 7.9 The minimum width of the carriageway and the shared cycle/pedestrian route should not be less than 11.5 metres; but, only 9.08 metres is available. The assertion that such dimensions are no more than 'a guide' appears to be based on: - (a) Local Transport Note 1/12, which provides for occasional pinch points to a shared cycle/pedestrian facility 'on less busy routes'; and, (b) Manual for Streets anticipates reduced carriageway widths 'in lightly trafficked streets'.¹⁰⁸⁹ Neither of these circumstances applies to the busy A41.
- 7.10 The substantial reductions proposed have not been shown to be either safe or convenient. For example it is not clear how two heavy goods vehicles (width 2.55 metres/2.85 metres including mirrors)¹⁰⁹⁰ could pass each other in anything less than 5.7 metres (assuming precision alignment); and a safety envelope (0.3 metres) for each vehicle would add 0.6 metres.¹⁰⁹¹ Thus, even for a lightly trafficked route, the minimum required width would be 6.3 metres.
- 7.11 In terms of the shared cycle/pedestrian facility, the assertion that a reduction in width would be acceptable, safe and convenient for the large number of school children mixed with commuters (as well as other users) generated by 2,745 dwellings is not credible.
- 7.12 The original 'design',¹⁰⁹² which informed Buckinghamshire County Council's assessment, was based on a carriageway width of 6.4 metres; a 2.0 metre cycleway/footway; a 0.3 metres 'safety envelope' for the articulated heavy goods vehicle track; and a 0.5 metres buffer between the carriageway and the southern bridge abutment. The sum of 9.5 metres (excluding other recommended dimensions) would not fit into the confirmed available width.
- 7.13 Two other illustrations reinforce the point: - (a) even with a significantly reduced 2.0 metres cycle/footway the resultant carriageway width would be 5.23 metres within which two large vehicles could not pass; and, (b) even with a substandard 6.0 metre carriageway only 1.32 metres would be available for the cycle/footway. Neither would be workable.¹⁰⁹³

¹⁰⁸⁷ CD 7.21 paragraphs 7.34, 7.35, 7.46, Table 7.4

¹⁰⁸⁸ CD 7.20 paragraph 5.2.2

¹⁰⁸⁹ CD 7.19 page 79

¹⁰⁹⁰ GG12; GG13

¹⁰⁹¹ AV1.133

¹⁰⁹² AV1.133

¹⁰⁹³ HF1.45A; HF145B

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- 7.14 The restricted dimensions of the bridge go to the heart of the suitability of the site - it is remote from the town anyway but without proper and attractive cycling and pedestrian links any claim of *'a sustainable urban extension'* cannot be substantiated.

The fourth main consideration: the effects of the HS2 proposals

- 7.15 The Inspector raised HS2 as a main issue at the outset of the Inquiry and again in a subsequent ruling; but his concerns have not been adequately addressed.¹⁰⁹⁴ The draft Environmental Statement on HS2 has been the subject of public consultation; a Safeguarding Direction has been issued; and, on 25 November 2013, a Hybrid Bill was approved by Parliament.
- 7.16 The appellant has at least acknowledged the reality of HS2; but the related objection has not been resolved. Although it is suggested that the change to the landscape arising from HS2 would further justify the Fleet Marston scheme, no assessment has been undertaken.
- 7.17 It is clear that HS2 would impact on the proposed development; its effects should have been assessed and the scheme amended accordingly. Although the Inspector ruled that *'the Environmental Statement and the Addendum Environmental Statement, taken together, do not require additional information, on the matters discussed, in order to be an environmental statement'* that judgement has to be read with his comments on the assessment of the noise impacts of HS2 on Fleet Marston: - *'the consultation material could be used as an 'indicative' basis for taking noise into account in relation to proposed land uses within the site. I see no reason why this, essentially 'planning', assessment and judgment should not be covered in evidence to the Inquiry so as to address the matter of future living conditions in the event of HS2 proceeding'*.¹⁰⁹⁵ No such evidence has been provided.
- 7.18 Moreover, on the landscape/physical impact of HS2 on Fleet Marston the Inspector said: - *'such additional mitigation as might be necessary arising from Fleet Marston would have to be considered in the context of an urban extension, rather than a rural scene, where fundamental change to the landscape would be an inescapable fact. In terms of the consideration of the Fleet Marston project, with the potential added impact of noise mitigation for HS2, consideration of the latter at this stage would be largely speculative. However, to the extent that a 'worst case scenario' could be devised, it would be possible to address this in evidence and 'test' it at the Inquiry'*.¹⁰⁹⁶ Again, nothing has been provided.
- 7.19 Thus, although the Inspector did not require an amendment to the Fleet Marston Environmental Statement he anticipated that these important issues would be addressed. Neither the appellant, nor the District Council, have addressed these matters.
- 7.20 The decision-taker is therefore faced with the difficult task of making a judgement on the impact of HS2 on the Fleet Marston scheme without any available evidence; and on how Fleet Marston might constrain or affect the implementation of the HS2 project.

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¹⁰⁹⁴ X1; X2

¹⁰⁹⁵ X1: paragraphs 66, 55

¹⁰⁹⁶ X1: paragraphs 58 - 59

8. The Cases for Other Parties

(a) Appearing at the Inquiry

Thames Valley Police

*Funding mechanisms*¹⁰⁹⁷

- 8.1 The funding allocated to police forces through Home Office grants, the Council Tax precept and other specific limited grants is insufficient to fund in full requests for capital expenditure. Capital programmes are funded generally from a mixture of asset disposal, redirection of revenue funding, general capital grants or general reserves and borrowing.
- 8.2 Multi-year funding settlements for the police are determined in accordance with the Comprehensive Spending Review, which utilises population forecasts that are historic; and, as a result, the Police Grant (revenue) received for a particular year is based on population figures from three years earlier. This results in a consistent lag between the level of funding potentially available and the population to be policed; compounded by the use of a broadly flat rate increase formula which ignores the service impact of increased population within a force's area.
- 8.3 The government's annual Capital Grant typically funds 20% of a force's annual capital programme. The government is revising the level of Capital and Revenue grants as part of its austerity package which is likely to cover the period up to 2017. The remainder of the capital programme is generally funded through a Public Finance Initiative or borrowing.
- 8.4 The capital funding programme includes the provision of additional buildings, information technology, vehicles, equipment and other infrastructure items required to both sustain existing police services and address increased pressure and requirements placed on the force as a consequence of growth in demand for services.
- 8.5 The revenue funding stream applies to the day-to-day running costs of the force and the provision of front-line policing services including ongoing costs relating to running and maintaining buildings and equipment and the repayment of loans used to fund capital projects.
- 8.6 The pressure on revenue funding is such that it is extremely unlikely that it could be made available to finance capital projects of any significance; in practical terms the revenue budget is insufficient to fund infrastructure projects.
- 8.7 Even with the revenue raised from the Council Tax precept there has been a recognised funding gap created by inflation and a continuing expansion of the role of the police service and the demands placed on it. As a result, forces need an increase of over 5% annually simply to '*stand still*'; but as this is unachievable the funding gap is likely to increase. At the same time forces are typically looking at a 20% reduction in the level of the annual Police Grant (revenue) by 2014 and Capital Grant is also reducing by a similar amount.

¹⁰⁹⁷ TVP Appendix A pages 1 - 3

- 8.8 By way of example, on the basis of estimates for 2012/13, it was anticipated that Thames Valley Police could only meet its predicted budget requirement by utilising monies from financial reserves. The key issues for the force as a whole apply equally to Aylesbury Vale: -
- (a) the Council Tax precept was frozen for 2011/12 and 2012/13;
 - (b) the force has had to reduce numbers of officers (and staff) since 2010 in order to meet budgetary constraints;
 - (c) there is a commitment to neighbourhood policing as an effective way of reducing crime and the number of support officers has remained constant; and
 - (d) at the same time, population in the force's area is continuing to rise significantly.
- 8.9 The force's Revenue Budget and Capital Programme for 2013/14 shows a year on year reduction in funding; and no provision is made for population and economic growth within the area or to increase the base budget to reflect such growth.¹⁰⁹⁸

Policing Fleet Marston¹⁰⁹⁹

- 8.10 Once developed it is predicted that the residential component of Fleet Marston would lead to an additional 1,263 incidents per year; with further incidents associated with the non-residential elements. Although the development would incorporate 'Secure by Design' principles, this would not eliminate crime and anti-social behaviour or obviate the need for neighbourhood policing.
- 8.11 The development would be policed from Waddesdon for operational reasons as it would be best placed geographically in terms of response times to serve the development;¹¹⁰⁰ and the police station has the advantage (unlike Aylesbury) of being capable of reconfiguration to provide accommodation for the additional officers required. There would be no prospect of joint policing from Berryfields and, despite Barwood's suggestions for the manner in which Fleet Marston might be policed, such operational decisions are for the police authority to determine.
- 8.12 Given the nature of budget cuts, and the level of additional policing required, in order to minimise the need to divert resources from elsewhere the following items, in the sum of £610,165, would be necessary to mitigate against the impact of the development and to assist in its policing: -
- (a) the provision of an on-site facility (approximately 20 square metres floor-space) to provide an on-site presence;
 - (b) funding of three Police Community Support Officers to provide a presence at Fleet Marston;
 - (c) funding of two police cars as the site is not readily accessible from either Waddesdon or Aylesbury police stations; and

¹⁰⁹⁸ TVP/1 paragraphs 4.7 - 4.9; TVP Appendix F pages 6 - 7

¹⁰⁹⁹ TVP Appendix A pages 4 - 7

¹¹⁰⁰ TVP/1 paragraphs 7.2 - 7.6

- (d) funding of an automatic number plate recognition camera as an important tool in the prevention and detection of crime; and a speed awareness kit as an invaluable tool in reducing vehicle speed and raising driver awareness in order to create a safe community.
- 8.13 Although Barwood has accepted the principle of providing a drop-in facility within the community hub, the Thames Valley Police's request, and expectation, for the accommodation to be provided rent free has not been accepted.
- 8.14 A financial contribution for two vehicles has been accepted in principle, limited to purchase, but it is not clear on what basis this would be and no provision has been made for maintenance. Maintenance costs, capitalised over five years, should be included as the authority does not have the funding available to maintain additional vehicles. The Community Infrastructure Levy (Amendment) Regulations 2013 (regulation 59c) covers the use of receipts by local planning authorities for: -¹¹⁰¹
- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) anything else that is concerned with addressing the demands that development places on an area.
- 8.15 The funding of the Police Community Support Officers has also been declined despite the need for support officers being related to the specific geographic area; and the intention that this model of policing should continue for the foreseeable future.¹¹⁰²
- 8.16 In declining a specific contribution to the number plate recognition camera and speed awareness watch kit, it has been suggested that these might be funded as part of the package of highways and transportation measures to be agreed with the County Council and funded through the agreement under section 278 of the Highways Act 1980.¹¹⁰³
- 8.17 In response to Barwood's suggestion that Thames Valley Police should have planned its operational requirements in the knowledge that Aylesbury would be a focus for growth it is material to note that: -¹¹⁰⁴
- (a) Fleet Marston is not, and has never been, allocated for development in any plan;
- (b) policing requirements are tailored to individual developments and cannot be planned in advance of firm commitments;
- (c) the force's budget contains no provision for funding future growth; and
- (d) the contributions requested are wholly related and justified by the proposed development and they do not in any way seek to remedy any deficiency elsewhere.

¹¹⁰¹ TVP/1 paragraphs 7.11 – 7.12

NB The Community Infrastructure Levy (Amendment) Regulations 2013 (containing Regulation 59c came into force on 24 April 2013)

¹¹⁰² TVP/1 paragraphs 7.8 – 7.10

¹¹⁰³ TVP Appendix B

¹¹⁰⁴ TVP/1 paragraph 7.1

Policing Hampden Fields¹¹⁰⁵

8.18 The application site is currently policed by the Wendover/Aston Clinton Neighbourhood Team and extrapolation suggests that the development would give rise to some 1,013 additional incidents per year. A total contribution of £198,355 is requested: -¹¹⁰⁶

- (a) the provision of an on-site facility (approximately 20 square metres floor-space;
- (b) funding for a dedicated Police Community Support Officer;
- (c) funding of four bicycles to serve the needs of the neighbourhood team (including equipment and servicing costs); and
- (d) funding of two automatic number plate recognition cameras; and a speed awareness kit.

8.19 The appellant has declined to provide any funding.¹¹⁰⁷

Policing Weedon Hill (mixed-use)¹¹⁰⁸

8.20 The request for a financial contribution totals £45,000 comprising: -

- (a) funding of two automatic number plate recognition cameras; and
- (b) funding of CCTV in and around the proposed park and ride facility.

Policy and regulatory context¹¹⁰⁹

8.21 The National Planning Policy Framework indicates the need for planning policies to ensure the creation of safe and accessible environments, where crime and disorder, and the fear of crime, do not undermine quality of life or social cohesion.¹¹¹⁰

8.22 Policy GP. 94 of the Aylesbury Vale District Local Plan requires the Council to have regard to the need for the provision of community facilities arising from the residential development proposals; and for any such provision to be sought by means of a planning obligation. Policy GP.45 requires planning proposals to incorporate measures to assist crime prevention and help reduce risk to community safety. The aims of the policies are reinforced by The Sustainable Community Strategy 2009 – 2026 and the Aylesbury Vale Community Plan 2006.

8.23 The police service is recognised as a social infrastructure provider under the provisions of the Planning Act 2008; and may seek funding through a planning obligation. In terms of compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 the requests would meet the three established tests: -

¹¹⁰⁵ TVP Appendix B pages 1 - 5

¹¹⁰⁶ Taken from TVP/1 (£198,255 in TVP Appendix B page 5 appears to be an error)

¹¹⁰⁷ TVP Appendix E

¹¹⁰⁸ TVP Appendix C pages 1 - 2

Inspector's note – Hallam's planning obligations for each of the two proposals contain the same provisions for providing the contributions sought

¹¹⁰⁹ TVP Appendix A pages 7 – 12; Appendix B pages 5 - 6; Appendix C pages 2 - 3

¹¹¹⁰ CD 4.1 paragraphs 58, 69, 156 – 157, 164

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- (a) **necessary to make the proposed developments acceptable in planning terms:** the creation of safe, healthy and attractive places to live is fundamental to planning for sustainable development;
 - (b) **directly related to the proposed developments:** there is a functional link between the new developments and the contributions being sought; at Fleet Marston and Hampden Fields accommodation, vehicles and other ancillary facilities would be required to meet the needs of increased personnel; and
 - (c) **fairly and reasonably related in scale and kind to the proposed developments:** the request for contributions has been assessed to reflect the force's current policing model.

8.24 It should be noted that the Community Infrastructure Levy: An overview¹¹¹¹ advises: -

'The Planning Act 2008 provides a wide definition of the infrastructure which can be funded by the levy, including transport, flood defences, schools, hospitals, and other health and social care facilities. This definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, district heating schemes and police stations and other community safety facilities'

8.25 Two appeal decisions support the funding of police infrastructure: -¹¹¹²

'The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms;' and

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries'.

8.26 The Consortium has, in turn referred to an appeal decision at Shinfield West, where the Secretary of State rejected Thames Valley Police's request for contributions.¹¹¹³ However, the circumstances were materially different in that Shinfield West post-dated the publication of the National Planning Policy Framework (which is very clear about the social role of planning and the importance of creating safe environments) and it was a long-standing formally allocated site with the Inspector recording: -¹¹¹⁴

¹¹¹¹ Published by Communities and Local Government (May 2011)
NB After the close of the Inquiry:- Replaced by Community Infrastructure Levy Guidance (February 2014) when amendments to the Community Infrastructure Regulations came into effect in February 2014; and, in turn, replaced (with minor changes) by Planning Practice Guidance (12 June 2014)

¹¹¹² TVP/1 paragraphs 5.6 - 5.9; TVP Appendix J paragraph 29; TVP Appendix I paragraph 291 (Inspector's Report)

¹¹¹³ TVP/1 paragraphs 6.1 – 6.4

¹¹¹⁴ TVP Appendix G

'Given that are longstanding proposals of the development plan process the level of local population growth should have been accounted for in the budget for the TVP area and as such, in principle, there must be an existing funding source'.

- 8.27 Overall, the contributions requested are reasonable, necessary and compliant with Regulation 122 and are supported by government policy in the National Planning Policy Framework.

Bierton with Broughton Parish Council¹¹¹⁵

- 8.28 The emerging Vale of Aylesbury Plan is meant to determine the size and location of development in the district until 2031; none of the appeal sites are allocated. The local plan relies heavily on the delivery of houses at Land East of Aylesbury; but that project is by no means certain and contributions to affordable housing and education have been reduced which leads to concerns about the viability of the development. It is therefore wrong to use that site as a key assumption to housing delivery in and around Aylesbury. The inclusion of that site, and the consideration of these appeals, should be placed simultaneously before the Secretary of State.
- 8.29 The Council has not been consistent in its approach to new development, first favouring land to the south of Aylesbury before changing preference to the east, seemingly to secure the provision of the Eastern Link Road. The approach to viability has also varied with criticism of both Fleet Marston and Hampden Fields; whilst sanctioning under-funding on Land East of Aylesbury without any guarantee that the 'aspirational' Eastern Link Road would be delivered. The same location has also been selected for employment development without guaranteed connection to the A41. Further inconsistencies arise in respect of the consideration of landscape impacts.
- 8.30 In terms of the land at Weedon Hill, there is concern that a decision in favour of development could create a precedent for the development of an adjacent larger site (East of Watermead) which has been refused planning permission but could yet be taken to appeal.¹¹¹⁶

Representations specific to Fleet Marston

The National Trust, The Waddesdon Estate and Rothschild Foundation and Historic House Hotels¹¹¹⁷

- 8.31 The National Trust is a conservation charity established by legislation to secure public benefit. Waddesdon Manor and Estate, bound with the benevolence of the Rothschild family, comprises the grade I listed manor and 5,000 acres of designated parkland and estate. Historic House Hotels is a subsidiary company of the National Trust.

¹¹¹⁵ BR1

¹¹¹⁶ **Inspector's Note:- An appeal was lodged in December 2013 (outline application for up to 1,560 dwellings and associated development) – Public Inquiry scheduled to open on 4 November 2014**

¹¹¹⁷ NT1

- 8.32 The rural, open and sparsely populated rural environs of north-west Aylesbury (beyond the northern limits of Berryfields and Aylesbury Vale Parkway station) provides a countryside location of intrinsic value that affords important views to the Brill – Winchendon Hills ridge and allows an important separation to Waddesdon, which is perceived to start at the Grand Lodge, where the registered landscape extends at its most north-eastern point.
- 8.33 Although only a small part of the Area of Attractive Landscape is within or abuts the appeal site, views from this higher ground would demonstrate the discordant nature of the proposed development outward and along the vale floor as a *'noticeable extension to Aylesbury'*.¹¹¹⁸

Councillor David Vick¹¹¹⁹

- 8.34 The Vale of Aylesbury Local Plan is at an advanced stage; it meets the criteria and aims of the community and the National Planning Policy Framework; but faces challenge by developers wishing to see their proposals implemented regardless of the consequences.
- 8.35 Significant weight should be given to the landscape setting of Aylesbury and the token countryside transition zones on the edges of the development; the setting of Saint Mary's church; the separation of Fleet Marston from the town; and transport issues.
- 8.36 Significant traffic problems are already apparent along the A41; and traffic in Waddesdon is often at saturation point. The development requires substantial contributions towards the cost of public transport; resulting in reduced contributions for affordable housing and public facilities and infrastructure.
- 8.37 The site is disjointed from Aylesbury and has very poor sustainable transport links; the reduced carriageway width in the vicinity of the railway bridge would be an accident black spot in the making; and HS2 would run along one edge of the site.
- 8.38 In addition, the application would not improve the local economy, it has significant deliverability issues; it makes limited provision for employment; the prospect of a new railway station is unrealistic; and the project would fail to promote a healthy environment.

James Mosse - 'Save the Vale' Group¹¹²⁰

- 8.39 The locality of Fleet Marston is sparsely populated and contains few voices; yet there continues to be passionate local opposition. The railway bridge across the A41 observably functions as a kind of proscenium arch for motorists leaving Aylesbury where upon the countryside opens out. The surrounding countryside enjoys views over the site which would be transformed by development.

¹¹¹⁸ AV/JB/1.1 paragraph 134

¹¹¹⁹ DV1

¹¹²⁰ JM1

- 8.40 The government's localism proposals, where communities can permit limited new development, would offer a better way forward ensuring that development truly responded to local need and its scale reflected its setting – Save the Vale's slogan remains **'No more urban sprawl! Build local, build small!'**.
- 8.41 In summary, the proposal would damage the landscape; concerns remain about the road safety implications of the constrained road width under the railway bridge; the need to cross the A41 to gain access to recreational facilities; traffic modelling remains speculative until Berryfields is completed; and no thought has been given to the prospect of 'rat running' traffic.

Mrs Jackie Robson - resident of Fleet Marston¹¹²¹

- 8.42 The proposal would be a separate housing estate built on green field land which would be out of scale and character with its surroundings. Development should take place on a more local scale with clear reference to the countryside. Berryfields and Aylesbury Vale Parkway railway station already demonstrate the progressive increase of urbanisation and further development along the A41 should be resisted.

Representations specific to Hampden Fields

Mrs M Coe - resident of Bedgrove

- 8.43 The Hampden Fields are a much needed buffer, between the urbanisation of Aylesbury and the village of Weston Turville, providing access to the countryside without the use of a car. The proposed development would put at risk the prospect of Weston Turville, and even Stoke Mandeville, becoming part of Aylesbury resulting in the loss of their character.
- 8.44 Transport into and out of Aylesbury is a problem with the roads little changed over the past 40 years yet accommodating significant housing development in the same period. Public transport has become unreliable and more people are using their cars. The development could not be catered for by the existing road system.
- 8.45 With the growth in usage of the car, the proposed development should provide sufficient parking for each household so as to minimise on-street parking.
- 8.46 The ability of Stoke Mandeville hospital to cope with an increased population is questioned; and local surgeries and schools would be burdened until provision is made within the development. Job prospects are limited with better paid jobs elsewhere. Overall, the proposal does not address a number of important modern issues.

Hugh Gwilliams - resident of Weston Turville¹¹²²

- 8.47 The Revised Planning Statement (November 2012) mis-quotes the Interim Report of the Inspector into the Core Strategy.

¹¹²¹ JR1

¹¹²² HG1

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

- 8.48 The proposed road layout for Hampden Fields would take traffic, travelling between the A41 – A413 through the heart of the development and mix all forms of traffic with pedestrians and cyclists visiting the local centre.
- 8.49 The site is within the open countryside where development is to be restricted; it contains grade 3a agricultural land which should not be developed when there are areas of lower quality, namely to the north of Aylesbury.
- 8.50 It is accepted that Aylesbury must grow; but this should be a decision made by the local planning authority through the local plan process. The Council should not be penalised in its endeavours to produce a robust plan following the eventual, and delayed, revocation of the South East Plan.
- 8.51 The Vale of Aylesbury Plan will be an important part of the evidence base which should be available to the Secretary of State before a decision is made on these appeals.
- 8.52 The concept of the development is described as a 21st century garden suburb, containing two neighbourhoods as an urban extension to the town. It would result in coalescence to the detriment of the historic settlement of Weston Turville.
- 8.53 The Inspector who considered the Core Strategy set out preliminary findings on the potential future pattern of development, subject to the outcome of further work. However, the Core Strategy was predicated on the need to build an Eastern Link Road.

Neil Biggs – Traffic Management Officer, Thames Valley Police

- 8.54 Mr Biggs appeared having been alerted a few days earlier to the highways Statement of Common Ground between the Consortium and Buckinghamshire County Council. No formal consultation had been undertaken with the police and time was requested for further assessment and consideration.¹¹²³

Stephen Lehec – Head Master, Aylesbury Grammar School¹¹²⁴

- 8.55 Concern was expressed about the absence of formal consultation in relation to the Walton Street gyratory and whether the needs of students and schools had been taken into account. In this regard there are three large secondary schools close to Walton Road comprising Aylesbury Grammar School with 1,339 students and 167 staff; Aylesbury High School with similar numbers; and The Grange School with at least 1,200 students. There are also smaller infant and junior schools to consider.
- 8.56 The major concerns are that in removing the right turn facility from the gyratory significant problems and potential accidents will occur; the volume of traffic on the A41 will be further increased; and gridlock will occur at the Exchange Street roundabout.

¹¹²³ See paragraphs 8.84 – 8.86 for related and subsequent correspondence

¹¹²⁴ SL.1

8.57 Increased use of Wendover Way is likely (affecting The Grange, Turnfurlong Infants, Turnfurlong Juniors, St Louis' and possibly Bedgrove Schools) with access to Walton Road along Turnfurlong (Aylesbury High and Aylesbury Grammar). Equally, the removal of any part of the central reservation on Walton Street would encourage children to cross the road at unsuitable points.

Mark Winn – Councillor and local resident¹¹²⁵

8.58 Councillor Winn lives in the vicinity of the Walton Street gyratory; it is over capacity at the busiest times of the day; and adding more traffic and closing the right turn is likely to have significant wider effects. There has been no public consultation on the proposals; particular care needs to be exercised for the needs of pedestrians and cyclists; the proposals are likely to create 'rat-runs' and it cannot be assumed that all displaced traffic would use the Exchange Street roundabout.

Representations specific to Weedon Hill

Weedon Parish Council

- 8.59 The proposals would form an unnecessary and intrusive extension to Aylesbury, spreading beyond the natural physical boundary of the new Western Link Road, and linking the extended built-up area of Aylesbury with the historic hamlet of 'old' Weedon Hill. The re-located park and ride facility would result in the loss of historic ridge and furrow, lighting and noise. The schemes would harm adjacent residential amenity and have substantial adverse effects on wider public views.
- 8.60 It is doubted whether the mixed-use scheme would be sustainable, as many commercial units lie empty; alternatively, occupation might result in relocations from, and vacancies within, the town centre.
- 8.61 The original traffic information shows that either project would worsen congestion at nearby road junctions; and it is doubted whether improvements could be achieved as claimed. The park and ride facility would also add another junction to Weedon Hill. The adverse impacts on the A413 transport corridor undermine the claim to sustainability.
- 8.62 It is to be noted that Buckingham Park has already grown from its originally approved 850 dwellings to 1035 homes, adding substantially to the transport burden on the A413. Another 120 or 220 dwellings would put insupportable pressure on the facilities of the area (existing primary school, neighbourhood centre, and play and healthcare facilities) and on the wider transport system.

John Charnock¹¹²⁶

(appearing personally and on behalf of other residents of Weedon Hill)

8.63 As a lay person concern is expressed that the Secretary of State's decisions are likely to turn on policy issues, housing land supply or some other technicality rather than on the wants and needs of local people.

¹¹²⁵ MW.1

¹¹²⁶ JC1; JC2 (See also letter to PINS dated 1 July 2013 from CSJ Planning)

- 8.64 The proposed park and ride facility would lie adjacent to the curtilage of Weedon Hill House. Insufficient regard has been given to the adverse impacts on living conditions; and the formation of a 2 metre high bund and landscape belt, in an attempt to reduce visual intrusion and noise nuisance, would destroy views from the property and cast the garden into partial darkness. This would conflict with Policy GP.8 of the Aylesbury Vale District Local Plan. Such harmful effects would not arise if the park and ride were to be provided on its original site. It should also be noted that the septic tank serving Weedon Hill House is located within the site.
- 8.65 In terms of landscape and visual impacts reliance is placed on the Council's case; and the proposal should be dismissed having regard to Policy GP.35 of the Aylesbury Vale District Local Plan.

(b) Written Representations

Written representations: Fleet Marston

- 8.66 The application as originally submitted attracted 62 written objections with a petition of 650 signatures.¹¹²⁷ Objections were also made by Waddesdon Parish Council and Quainton Parish Council. The main topics covered were: - the principle of development and planning policy; traffic and transportation; heritage; landscape/urban design; drainage/flooding; green infrastructure/leisure provision; ecology; environmental issues; and community infrastructure.
- 8.67 The amended proposals generated 19 written objections which included the following additional points: - prematurity in terms of the plan making process following the intended revocation of the South East Plan; the route of HS2; concerns about various points of ambiguity and lack of detail.¹¹²⁸
- 8.68 In addition, Aylesbury Town Council made representations on prematurity; the relationship between job provision and house building; strategic traffic management; impacts on health services; demands on schools before new provision is made; the effects of vehicular traffic; and the attraction of outward car-based commuting which would increase traffic through Waddesdon.
- 8.69 The representations at appeal stage included a letter from Bierton and Broughton Community Plan Steering Group opposing the Council's decision to refuse planning permission for Fleet Marston yet supporting the proposals for Land East of Aylesbury. HS2 Ltd objected to the proposal but expressed a desire to discuss the proposals with the appellant with a view to overcoming the objection.
- 8.70 As a result of discussions and assurances, given by Barwood to HS2 Ltd, the objection was withdrawn.¹¹²⁹ Those assurances were: -
- (a) the appellant intended to submit a phasing plan as part of a future reserved matters application in the event of planning permission being granted with the land around the proposed railway line to be delivered during the final phase of construction in years 10 - 12; and

¹¹²⁷ BL1.35: Section 8 – See also Technical Consultations

¹¹²⁸ BL1.35: Section 8; BL.1.36

¹¹²⁹ BL1.73

- (b) the land to the south-west of the appeal site, which would be permanently acquired for the construction and operation of the railway, would be shown as privately owned landscape buffer and not public open space.
- 8.71 HS2 Ltd also sought the imposition of a condition to be attached to any permission granted requiring the submission of a phasing plan that shows how the development would be constructed without impeding the construction and operation of HS2.
- 8.72 The National Trust¹¹³⁰ set out its key interest in maintaining the open and high quality landscape to the north and north-west of Aylesbury with the resultant concerns that the development of Fleet Marston would: - result in an unacceptable urbanising effect; further extend the progression of Berryfields into the landscape; run counter to the evidence base relevant to the withdrawn Core Strategy and, thus, prejudicial to the proper delivery of the emerging local plan.
- 8.73 Thames Valley Police Authority submitted a holding letter seeking appropriate contributions to police infrastructure with the hope that a mutually acceptable position could be reached by a planning obligation.
- 8.74 The Campaign to Protect Rural England opposed the development as: - the vision of *'new vibrant communities'* on the edge of Aylesbury had fallen short of expectations; the town has sufficient housing land supply; and progress on Berryfields has been slow and, with the addition of Fleet Marston, the likelihood would be of continuing building development until 2030 or later. Landscape impacts were said to be unacceptable, with inappropriate intrusion into the countryside; and development outside the existing urban area would contradict many of the sustainability principles of the National Planning Policy Framework.
- 8.75 A number of other representations repeated concerns expressed at application stage including loss of countryside; traffic and transportation impacts; the effects of HS2; and the risk of decisions being taken outside the plan making framework.

Written representations: Hampden Fields

- 8.76 The officer report to committee¹¹³¹ records a total of 3,777 letters of objection to the original submission, of which 3,396 were in the form of one of five pre-drafted template letters (organised by the Hampden Fields Action Group).
- 8.77 Representations were also received from local Parish Councils: - Weston Turville; Stoke Mandeville; Aston Clinton; Wendover; Aston Abbots; Cublington; Tring Rural; and also from Aylesbury Town Council.
- 8.78 The main points raised were: - the principle of the development; traffic and transportation; landscape/urban design; drainage/flooding; green infrastructure/leisure provision; ecology; environmental issues; and socio-economic concerns.

¹¹³⁰ The National Trust, The Waddesdon Estate and Rothschild Foundation and Historic House Hotels
¹¹³¹ HF1.20 – see also Technical Consultations and Questionnaire Folders

- 8.79 The amended proposals attracted 305 individual letters of objection, including those from several Parish Councils and Aylesbury Town Council, and a further 4,379 letters delivered by the Action Group. Additional matters raised included: - impacts of out-commuting; loss of agricultural land; increased density at odds with local character; pressure on local facilities; lack of need for park and ride; viability of the project; the combined impacts of developments around Aylesbury on infrastructure; and no evidence to suggest that regard had been paid to earlier objections.
- 8.80 The representations at appeal stage, reflecting many of the issues raised earlier, also included opposition from the Campaign to Protect Rural England on the grounds of: - an already adequate supply of housing; more homes without a pro rata increase in jobs would generate unsustainable increases in out-commuting; and the development would be an inappropriate intrusion into the countryside.

David Lidington (Member of Parliament for Aylesbury)¹¹³²

- 8.81 Attention was drawn to the widespread local concern about the transport amendments to the scheme and the County Council's withdrawal of its objection without seeking the views of the emergency services. Following a request from Superintendent Olly Wright (Thames Valley Police), more time was sought to enable interested parties to express a considered view.

South Central Ambulance Service NHS Foundation Trust¹¹³³

- 8.82 By email dated 6 November 2013 a request was made for more time to consider the proposals for the Walton Street gyratory.
- 8.83 This was followed by further correspondence, dated 22 November, which explained that it had not been possible to assess how many ambulance journeys might be affected. Nonetheless, continued concern was expressed about any potential increased congestion with resultant implications for response times using one of the main routes to and from Stoke Mandeville hospital.

Thames Valley Police

- 8.84 Correspondence from Superintendent Olly Wright to Councillor Yerby (dated 5 November 2013) indicated that Thames Valley Police might have some concerns about the revised highway proposals and that further time was required in order to identify the implications.¹¹³⁴ An initial observation was the proposed removal of the central reservation on Walton Street could put opposing traffic streams in conflict with each other.
- 8.85 Later correspondence (21 November 2013) from Neil Biggs, Thames Valley Police Traffic Management, following appearance at the Inquiry, referred to the period of fourteen days given to the emergency services for a response. In that time he had met with the County Council and Superintendent Olly Wright. As a result it was determined that if the link to the north of the Aristocrat public house were to be closed to all vehicles

¹¹³² DL.1

¹¹³³ SCAS.1; SCAS.2

¹¹³⁴ OL.1

it would not pose any significant risk to the manner in which the police would respond to incidents in Aylesbury.¹¹³⁵

- 8.86 Although it was acknowledged that the removal of the central reservation in Walton Street might lead to drivers being tempted to perform a u-turn, rather than continuing to the Walton Street/Friarage/Exchange Street roundabout, similar circumstances elsewhere in the town had not resulted in collisions. If concern remained, consideration could be given to the introduction of measures to prevent the manoeuvre from taking place.

Jenny Hunt - Chairman, Stoke Mandeville Parish Council¹¹³⁶

- 8.87 The late changes to the highway arrangements had been received with some surprise; there had been no engagement or consultation with the Parish Council, or others, on the revision and the possible ripple effects on adjoining roads and communities.

David Martin - resident of Weston Turville¹¹³⁷

- 8.88 The proposed changes to the transport arrangements are opposed as it is not the purpose of the Public Inquiry to negotiate compromise arrangements. The changes had been introduced without public consultation; and the need for amendment demonstrates that the original plan was not viable. The appeal should be dismissed in order to uphold local democracy.

Written Representations: Weedon Hill

- 8.89 The officer report to committee¹¹³⁸ records opposition to both the mixed-use and residential proposals from the Parish Councils for Weedon, Buckingham Park, Watermead and Hardwick on the broad grounds of: - intrusive impact on the countryside; questionable need for employment units; transport and traffic impacts; highway safety; unsuitability of the park and ride site; strain on local facilities; flood risk; affordable housing; and inadequate consultation.
- 8.90 Sixty-four¹¹³⁹ written representations were made to the mixed-use proposal and a further nine in respect of the residential scheme. The main points were: - countryside and landscape impacts; loss of ridge and furrow; effects on living conditions; traffic; effect on local facilities; a surfeit of existing commercial floorspace; unsatisfactory location of, and access to, the park and ride facility; wildlife; and adverse effects on Weedon village and its Conservation Area.
- 8.91 The appeals have generated a limited number of written representations including those from: - Thames Valley Police Authority (holding objection); Watermead Parish Council on the grounds of visual intrusion and conflict with published planning documents and planning policies; and on behalf of a local resident concerning loss of residential amenity.

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¹¹³⁵ NMB.1

¹¹³⁶ JH.1

¹¹³⁷ DM.1

¹¹³⁸ HL/CH/4.2 – Appendix 1 – See also Technical Consultations

¹¹³⁹ Forty-three relate to reference 12/00739/AOP – the remainder were made to a subsequently withdrawn duplicate application

9. Inspector's Conclusions

Introduction

9.1 The references in brackets [^{x'}] are to the principal paragraphs in my report of the cases from where my conclusions are drawn.

Main considerations

- 9.2 A preliminary main consideration, of particular relevance to Fleet Marston and Hampden Fields, is whether Aylesbury Vale has a five year supply of housing land. [^{1.68(a)}]
- 9.3 A second preliminary main consideration, common to the same appellants, is whether a financial contribution should be made towards the provision of premises, personnel and equipment sought by Thames Valley Police. [^{1.68(b)}]
- 9.4 Site specifically, in relation to Fleet Marston, the individual main considerations are: -
- (a) the landscape and visual effects of the proposed development;
 - (b) the impact of the proposal on heritage assets having particular regard to Saint Mary's church, a grade II* listed building;
 - (c) the sustainability of the proposed urban extension in terms of highways and transportation;
 - (d) the effects of the HS2 proposals;
 - (e) the consideration of conditions and obligations; and
 - (f) the overall planning balance. [^{1.69}]
- 9.5 For Hampden Fields the main considerations are: -
- (a) the landscape and visual effects of the proposed development;
 - (b) whether the proposed urban extension would result in coalescence and loss of settlement identity;
 - (c) the impact of the proposal on heritage assets having particular regard to historic field patterns;
 - (d) the loss of best and most versatile agricultural land;
 - (e) the transport implications of the proposed development;
 - (f) the consideration of conditions and obligations; and
 - (g) the overall planning balance. [^{1.70}]
- 9.6 In relation to the Weedon Hill appeals the main considerations are: -
- (a) the landscape and visual effects of the proposed developments;
 - (b) the consideration of conditions and obligations; and
 - (c) the overall planning balance. [^{1.71}]

The first preliminary main consideration: housing land supply

Vale of Aylesbury Plan

- 9.7 Had the examination into the Vale of Aylesbury Plan concluded that the Council had fulfilled the duty to cooperate, and that the proposed level of housing provision was sound, the appeals by Barwood and the Consortium would have fallen to be considered against an identified five year supply of housing land and material conflict with the emerging development plan. The Secretary of State would have needed to have given weight to the emerging plan, with weight increasing as, amongst other matters, the plan became more advanced. ^[2.55]
- 9.8 The same considerations would not have arisen for the Weedon Hill proposals in that the level of housing proposed, in either scheme, would have contributed to the 800 additional, windfall, homes to be delivered through Policy VS2 of the plan. ^[1.49(a)(e)]
- 9.9 However, The Vale of Aylesbury Plan has been withdrawn and much of the evidence relating to the preparation of the plan diminishes in materiality. In particular, it is no longer necessary to consider whether the release of Fleet Marston and/or Hampden Fields would prejudice the preparation of the development plan and it can safely be concluded that a grant of planning permission would not undermine the core planning principle that planning should be genuinely plan-led. ^[2.50-2.56, 2.296, 3.55-3.63, 3.201, 4.184]
- 9.10 Consequently, the critical matters to be determined are: -
- (i) the housing requirement for the district;
 - (ii) whether a 5% or 20% buffer should be applied; and
 - (iii) the available supply and whether this amounts to a five year supply. ^[4.35]

The housing requirement for the district

Planning policy

- 9.11 The Aylesbury Vale District Local Plan sets out housing requirements for the period 2001 – 2011. This aspect of the development plan is therefore out of date. ^[2.1, 3.28, 4.2, 5.56]
- 9.12 The housing strategy in the withdrawn Vale of Aylesbury Plan, and the related housing requirement, whilst informing much of the evidence to the Inquiry, does not provide a sound basis to determine the objectively assessed housing needs for the district. ^[1.53-1.57, 2.6-2.23, 3.31-3.46, 4.36-4.40, 4.52, 5.43-5.45, 5.48]
- 9.13 Similarly, the housing requirement in the abolished South East Plan is no longer extant. Moreover, its evidence base is out-dated and the circumstances underpinning its preparation are much changed. ^[1.51, 2.4-2.5, 3.30, 4.50-4.51, 5.44-5.45]
- 9.14 Accordingly, none of the above documents provides a reliable guide to the future housing requirements for the district.

Interim household projections

- 9.15 The Planning Practice Guidance explains that establishing future need for housing is not an exact science and that no single approach will provide a definitive answer. Where evidence in local plans has become outdated, as is the situation here, information in the latest full assessment of housing needs should be considered, albeit its weight is likely to be tempered by the absence of testing or moderation against relevant constraints.
- 9.16 In this particular instance, although the Council has prepared a Housing and Economic Growth Assessment for Aylesbury and a subsequent Strategic Housing Market Assessment Validation Study, neither of these represents a full assessment of housing need across the Strategic Housing Market Area as a whole. Hence, they do not provide a reliable starting point.^[4.55-4.56]
- 9.17 The practice guidance goes on to advise that where there is no robust recent assessment of full housing needs, the housing projections published by the Department for Communities and Local Government should provide the starting point estimate of overall need. However, their weight could be affected by a variety of circumstances and they may, for example, require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends.
- 9.18 The starting point estimate for Aylesbury Vale, in the 2011-based household interim projections, is approximately 1,000 dwellings per annum.^[2.44(d), 4.55, 4.62]
- 9.19 In terms of potential adjustment, net migration is likely to be a variable component with propensity to have a significant impact on population change. Indeed, the publication by the Office for National Statistics - *Methodology: Interim 2011-based subnational population projections* - acknowledges that migration is recognised as the most difficult component of population change to estimate as there is no compulsory system within the United Kingdom to record movements of the population. The methodology sets out a series of steps, and checks and advises that projections become increasingly uncertain the further they are carried forward due to the inherent uncertainty of demographic behaviour.
- 9.20 It is evident that historical trend based data, albeit the best available, will inevitably be subject to inaccuracy and that census data provides a periodic check arising from known recorded data. *Methods used to revise the subnational population estimates for mid-2002 to mid-2010* sets out a process where the population estimates for mid-2002 to mid-2010 have been revised to bring them into line with the official mid-2011 estimates which are based on the 2011 census estimates of the usually resident population, plus the effect of births, deaths and migration up to 30 June 2011.^[2.25, 4.57-4.59]
- 9.21 The impact of this, in terms of migration, was to reduce the trend of past migration and to create a higher trend-based position moving forward. It is also relevant to note that the process included a figure for migration and other combined changes as an overall means of reconciliation between the estimates and the census. Whilst it is evident, and agreed, that this

category should be excluded from migration trends, there is nothing to suggest that it should be treated as the element of error before correction by census data; and that it wholly relates to a potential discrepancy in terms of net migration.^[2.26, 4.60]

- 9.22 The effect of so-doing would run the risk of subduing the net migration element; and, by way of example, taking the five year period ending in 2012 the respective figures would be 781 and 1,238. Given the inevitable element of uncertainty relating to predictions, a precautionary approach would suggest a figure somewhere within that range for past net-migration.^[4.61]
- 9.23 Again, whilst the Council has concerns about the assumptions influencing future predictions, and the degree to which reliance can be placed on the 2012 estimates, and an identified rise in net migration to 2,027, the mid-year estimates are recognised as being the most up-to-date, and without equal, national statistics which provide the foundation for forecasting.^[2.37, 4.63-4.64]
- 9.24 It is acknowledged that in the analysis of the ten year and five year trends, and comparison with the latest output, the range is extensive. Although the longer term trend is often the more robust for forecasting, the recent level of net migration is a factor of considerable importance and, without evidence to suggest that it is likely to be 'a blip', it should be given due weight which would lead to the conclusion that the Council has sought to underestimate likely future population growth having particular regard to net migration.^[2.27, 2.37]
- 9.25 Overall, whilst the interim projections should not be applied uncritically, and despite the likelihood of being open to a degree of uncertainty, there is nothing to suggest that they should be amended radically as a result of the doubts surrounding migration levels.

Demographic and economic projections

- 9.26 The Planning Practice Guidance indicates that employment trends should be taken into account, in terms of the likely change in job numbers based on past trends and/or economic forecasts as appropriate, and also having regard to the working age population in the housing market area.
- 9.27 Considerable work has been undertaken on both demographic and economic led projections (prepared as part of the evidence base for the Vale of Aylesbury Plan and also for the Inquiry); albeit a number of the forecasts were recognised to be 'unrealistic' but were included for comparison and testing.^[2.6, 2.24]
- 9.28 The Council's baseline (PROJ 4: zero economic growth) estimated a requirement of 15,500 homes (620 per annum) to keep the labour supply constant and to maintain 2006 employment levels with the admission, in the Housing and Economic Growth Assessment (AV1.20 at paragraph 18.14) that anything below this level could harm the local economy. In addition, given the age structure of the Vale's population, with particular reference to the reduction in the working age population, net in-migration was recognised to be necessary to support the local economy and to secure economic growth.^[2.8, 3.203, 4.45, 4.52-4.54, 4.69]

- 9.29 The Council's up-dated economic led projections identified the need for 17,847 dwellings (892 per annum) (PROJ X: 14.4% employment growth) in order to deliver a total of 13,068 jobs; and 21,464 dwellings (1,073 per annum) (PROJ 6a: 20.7% employment growth) to facilitate 18,750 jobs. ^[2.32, 2.39(d)]
- 9.30 Although it was claimed that even the lower figure was ambitious, having regard to past trends in local employment, the Vale of Aylesbury Plan set its sights on the creation of a minimum of 6,000 net new jobs over the period to 2031 in addition to the existing planning permissions for employment floorspace and some 9,100 related jobs (i.e. between PROJ X and PROJ 6a). Its very inclusion in the plan suggests that the Council believed it to be achievable and deliverable and that it was a realistic and sound element of the plan. ^[2.32, 2.39(d), 3.3 (c), 4.43-4.44, 4.48, 4.70-4.71]
- 9.31 In simple terms, the provision of 15,000 jobs would require around 900 – 1,000 new dwellings per annum. Whilst the delivery of homes and jobs, following the grant of planning permissions, has progressed at an unequal rate with employment opportunities lagging behind house building, there is nothing to suggest that such a mis-match is likely to be rectified in future years to a material degree. ^[2.34-2.36, 2.44(e), 3.203, 4.65, 4.72, 5.43(c), 5.47]
- 9.32 Although this has resulted in out-commuting, with implications for sustainability, the realisation of the Council's justifiable aim of reducing out-commuting and relying on the existing housing stock to service the pipeline jobs seems highly unlikely. In this regard the district, and Aylesbury in particular, is within easy commuting distance of London with good rail links from Aylesbury Vale Parkway, Aylesbury and Stoke Mandeville stations. ^[3.34(h)-(n), 4.39, 4.40, 4.48-4.49]
- 9.33 Moreover, its links with Milton Keynes and beyond, where there are wider employment opportunities will be significantly enhanced by East-West Rail. Even with the related costs and time of out-commuting, and the limited wage differentials (other than in London) there is nothing to suggest that the trend is likely to be reversible and there is every prospect of significant out-commuting continuing as a result of external rail linkages. The failure to influence commuting in the manner anticipated by the Council would require the provision of between 920 and 1,219 dwellings per annum to support the economic-led projections. ^[1.20, 2.44(e), 3.34(h)(m), 4.66]
- 9.34 Moreover, even with those aims in play, the 'Options' Report to cabinet (dated 15 May 2012) pointed to a need for 9,000 homes, over and above the 7,300 already committed. However, that decision was revisited in August 2012 when it was resolved to proceed with 6,000 new homes based on the lower limit of the range identified. ^[2.49, 4.67-4.68, 5.43(e)]
- 9.35 The same report also indicated that the 6,000 jobs should be regarded as an absolute minimum and where possible the plan should strive for an even higher jobs target which would take into account the need for greater flexibility for employment options, the possibility of more sustainable travel-to-work patterns and even a reduction in future out-commuting from the district. However, the realisation of that aspiration would be highly unlikely having regard to the aging of the working population and out-commuting levels with such a restricted number of new dwellings. ^[4.34, 4.184]

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- 9.36 These factors add considerable weight to a broadly common position amongst the appellants that the housing requirement for the district is in excess of 1,000 dwellings per annum.

Whether a 5% or 20% buffer should be applied

- 9.37 The Council's stance of being able to demonstrate a level of housebuilding to meet the annual housing requirement relies on back-dating the housing requirement of 675 dwellings in the Vale of Aylesbury Plan to 2011 to coincide with the end date of the Aylesbury Vale District Local Plan. However, with the demise of the emerging plan this needs to be revisited with recognition for the resultant policy vacuum in terms of housing needs. [2.41-2.42, 4.73]
- 9.38 In this regard the Aylesbury Vale District Local Plan had a residual requirement of 8,101 dwellings for the period 2001 – 2011 based on the earlier County Structure Plan (approved 1996) development requirements. However, subsequent regional policy, culminating in the (now revoked) South East Plan, identified a higher requirement for Aylesbury Vale as 1,345 dwellings (including related provision for Milton Keynes) or 1,075 dwellings (excluding the Milton Keynes element). [2.4, 4.74]
- 9.39 In the period 2001 - 2011, the total number of completions, 6,991, fell well short of the overall planned requirement of the Aylesbury Vale District Local Plan. That position would be materially worse when set against the higher provision of the South East Plan for the latter part of that period. The argument about the ability to respond to those higher targets, particularly when the housing market was generally depressed, is of no real consequence given the regular failure, in each of eight years, to meet the lower target. [2.41, 3.42]
- 9.40 Since 2011 completions have increased to 1,103 and 934 for the two years to 2013. The resultant average is broadly equivalent to the interim housing projections. Given that housing delivery is inevitably subject to fluctuations, and notwithstanding the most recent performance, the overall level of provision points to a persistent under-delivery which would engage the addition of a 20% buffer in accordance with paragraph 47 of the National Planning Policy Framework. This would raise the baseline need to some 1,200 new dwellings. [4.77]

The available supply

- 9.41 The projected supply of homes from deliverable sites for 2013 – 2018 is said to be, at most, 4,461 units which would amount to 3.7 years supply. The equivalent figures for 2014 – 2019 would be a potential to deliver 3,965 dwellings and a reduction in supply to 3.3 years. [2.43, 4.75-4.76, 5.46]
- 9.42 A further element which could influence the housing requirement is whether or not the planned provision of 2,450 dwellings at Land East of Aylesbury takes place in a timely manner. Whilst the promoters of that site did not appear at the Inquiry, and recognising the motives of both Barwood and the Consortium in seeking to strengthen their respective cases, there is no doubt that the nature of the Land East of Aylesbury planning obligations with both the District and the County Councils could delay the implementation of the outline planning permission. [2.45, 4.75]

- 9.43 In this regard, there are fourteen parties to each deed and there is a requirement for a further deed of covenant to be entered into by the owners or developers before they become liable to discharge any positive obligations within the deeds (for example obligations which require payment of money or the provision of works). Given the considerable lapse in time between the resolution to grant planning permission and the completion of the deeds and the subsequent issue of the planning permission, some doubt must prevail in terms of the imminent delivery of this site.^[3.60]
- 9.44 However, it is clear, from the National Planning Policy Framework, that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years. Whilst it cannot be shown beyond doubt that this project would not be delivered, it would be reasonable to conclude that it is likely to be some time before it would add to the supply of new homes.
- 9.45 It is also to be noted that the Vale of Aylesbury Plan did not make any provision for housing which might arise from the needs of other authorities in the Strategic Housing Market Area. Whilst the prospect of external pressures remains unknown, any shortfall elsewhere could yet add to the need to provide additional houses in the district. However, that is not a factor of weight in the current assessment.^[2.16, 2.19-2.23, 3.47-3.54, 4.52]

Summary conclusion

- 9.46 From the evidence submitted, the planned housing provision in the Vale of Aylesbury Plan appears to be strikingly low in light of the most up-to-date household projections; economic forecasts; the provision of jobs in the plan; the historic level of housing completions over a period of some ten years; and the persistent under-delivery of housing.
- 9.47 Examination of each indicator, individually, calls into question the local authority's assessment of the housing requirement; and, when taken in combination, provides compelling evidence to show that the decision to proceed with the provision of 6,000 homes was at odds with the Council's evidence base and its aspirations for economic growth. It is also relevant to note that much of the planned provision relies on a single site at Land East of Aylesbury where early delivery might be in question with the best estimate of 370 units in the five year period 2013 - 2018.^[2.43]
- 9.48 There is, for the purpose of these appeals, a re-occurring pattern of a more realistic level of housing provision being in the order of at least 1,000 dwellings per annum before any uplift for previous under-delivery. With both Fleet Marston and Hampden Fields being capable of delivering approximately 500 houses each, in the same five year period, either site would only go part way to fulfilling the need for additional housing in the short term.^[2.43]

The second preliminary main consideration: whether a financial contribution should be made towards the provision of premises, personnel and equipment sought by Thames Valley Police

- 9.49 Following the close of the Inquiry, stand-alone guidance on the Community Infrastructure Levy was published, in February 2014, and was later replaced by the addition of guidance to the Planning Practice Guidance website.
- 9.50 The guidance, at paragraph 071, indicates that: - *'the levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities'*. It invites reference to section 216(2) of the Planning Act 2008 (and Regulation 59 as amended by the 2012 and 2013 Regulations).
- 9.51 Section 216(2) states: - *'..... infrastructure includes: -*
- (a) Roads and other transport facilities;*
 - (b) Flood defences;*
 - (c) Schools and educational facilities;*
 - (d) Medical facilities;*
 - (e) Sporting and recreational facilities;*
 - (f) Open spaces; and*
 - (g) Affordable housing'.*
- 9.52 Regulation 59 requires, amongst other things, that a charging authority must apply Community Infrastructure Levy funding to support the development of its area.
- 9.53 Paragraph 071 of the guidance continues: - *'This definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant Plan'* ^[8.23-8.24]
- 9.54 Although Aylesbury does not have an operative Community Infrastructure Levy charging schedule, up-to-date guidance supports the principle that new development should contribute towards its infrastructure needs. Paragraph 173 of the National Planning Policy Framework warns that careful attention should be paid to the relationship between contributions and viability.
- 9.55 Police Infrastructure is funded publicly in common with other statutory public services (for example education); and in the consideration of whether a financial contribution should be made through a planning obligation the first question to be asked is whether such funding would be necessary in the particular circumstances to make the development acceptable in planning terms. That raises the inevitable supplementary question as to whether there is an existing funding source for police infrastructure and day-to-day policing of new development and, if so, whether there is likely to be a funding gap arising from new development.

- 9.56 Police forces are funded by a combination of central government grants and the police precept component of local Council Tax. A decision of the Secretary of State, at Shinfield West, is prayed in aid of the appellants' claims that *'there must be an existing funding source'*. For its part Thames Valley Police justifiably points to the circumstances of that appeal in being markedly different, in that the proposal involved a long-standing formally allocated site which is not the case here. However, it was confirmed by the police authority's representative that the force would seek funding for policing any future development, irrespective of whether or not a site was allocated, in order to ensure effective policing. ^[4.83-4.84, 4.88, 8.1-8.9, 8.26]
- 9.57 Taking the elements of police funding in turn, the formula used for distributing Home Office Police Main Grant is the same as the Police Relative Needs Formula used to calculate allocations of Formula Funding through the Department for Communities and Local Government.
- 9.58 That formula includes a basic amount per resident; top-ups for the key areas of workload (crime, incidents, traffic, fear of crime and special events); and adjustments for regional differences in costs. In this sense, funding is not a calculation of absolute needs or with a direct population correlation; rather, it seeks to distribute the available funds according to relative needs. On this basis, any projected increase in population arising from new development would be captured by the formula but it would be but one element of it. ^[4.85]
- 9.59 Although Thames Valley Police claimed that the multi-year funding settlements utilised population forecasts that were out of date, it is clear from the Police Grant Report (England and Wales) 2013/14 that the starting point is the projected population for the financial year in question. Whilst projections are inevitably subject to uncertainty, it is to be anticipated that the base data would be the *'best available'* and that any element of time-lag would, at worst, represent a relatively small element of *'shortfall'* in the overall settlement.
- 9.60 In terms of the Council Tax precept, the claim of a consistent lag between the level of revenue funding available, and the population to be policed, lacks conviction in that the precept payment falls due coinciding with the occupation of a new dwelling. Again, whilst there might be uncertainties in the system in predicting the number of new dwellings that might become occupied, there is nothing to show how this might be so substantial so as to have an adverse impact on operational policing.
- 9.61 Turning to documentary evidence, the Thames Valley Police and Crime Commissioner's Revenue Budget and Capital Programme 2013/14 shows, notwithstanding an increase in population from the previous year and a decrease in the operational budget, that funding sources would meet planned expenditure. Moreover, although efficiencies would result in fewer personnel, there is nothing to suggest that this would relate to front-line staff or that the ability to police the area would diminish. ^[4.85]

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- 9.62 The planning assumptions made by the Commissioner in developing and refining the Medium Term Financial Plan (2013/14 – 2016/17) sets out anticipated future funding sources and confirms that the overall plan is built around a stable position in the level of policing and policing requirements within the Thames Valley. Year on year productivity savings would be made and by 2016/17 the assumptions show a return to replenishing reserves.
- 9.63 However, no provision is made for future economic and population growth and the increased demands on policing. Nonetheless, the effects of these should be broadly '*neutral*' in that new building would attract increased funding from population growth and precept based funding related to the occupation of domestic properties and commercial premises.^[8.17]
- 9.64 With reference to the four year capital programme, the focus would be to improve service delivery with an overriding remit of efficiency. The resources required to finance the capital programme, listed for each of the five years from 2012/13, do not anticipate any contributions arising from planning obligations (which would not be unusual as such contributions would be difficult to predict other than for committed developments and negotiated obligations), or in funding automatic number plate recognition equipment. It is also confirmed that there are no plans to borrow monies in order to finance the capital programme over the plan period.^[3.64]
- 9.65 From the foregoing it is apparent that the existing funding mechanisms are, to a greater or lesser degree, related to the population of an area and as development takes place the police authority would see an increase in its funding (all other things being equal).
- 9.66 Overall, the call by the police authority for financial contributions through the planning process appears to follow a decline in funding, in real terms, in line with the need for efficiencies and savings across the public sector as a whole. Nonetheless, with recognised funding mechanisms in place, it is necessary to consider whether the appeal proposals would give rise to additional demands on policing which would require developer support.^[8.6-8.9, 8.12]
- 9.67 The officer requirements for both Fleet Marston and Hampden Fields have been derived from the number of predicted incidents per year once fully developed with Fleet Marston apparently requiring a greater police resource, both in terms of personnel and vehicles, due to its more isolated location and distance from the intended operational base at Waddesdon.^[8.10-8.12, 8.15, 8.18]
- 9.68 However, the difference in the predicted number of incidents for each of the two sites, whilst perhaps of little overall materiality, highlights the absence of any transparent data. In this regard, the overall figure is not referenced to a particular area or areas; and it is not clear whether the inclusion of development pre-dating measures to design out crime might exaggerate the relative needs of modern, well-designed communities consistent with Policy GP.45 of the Aylesbury Vale District Local Plan.^[3.65-3.66, 4.86, 4.89, 8.22]
- 9.69 Similarly, although it was suggested that operational matters were entirely a matter for the police authority, there is little to show how these requirements had been derived and whether there might be alternative strategies available.^[8.17-8.18]

- 9.70 Further, whilst the provision of automatic number plate recognition cameras and speed awareness kits are said to be an aid to efficient policing and safety, there is nothing to explain beyond the general claimed benefits, why such provision is necessary to make the developments acceptable in planning terms. Additionally, the reason for the preference for a single mobile camera at Fleet Marston and two fixed cameras at Hampden Fields is not apparent; and the fit out costs for the drop in office at Fleet Marston are not quantified and shown to be reasonable. ^[4.87, 8.13, 8.16]
- 9.71 Overall, whilst it was claimed that without appropriate financial contributions there would be potential impacts on existing budgets, which are already subject to cuts, Thames Valley Police has not provided clear and compelling evidence to justify the financial contributions sought as required by section 122 of the Community Infrastructure Levy Regulations 2010. ^[4.88-4.89, 8.14-8.15]
- 9.72 Indeed, in the event of either or both of the appeals being allowed, public funds would become available for policing the respective urban extensions; and whilst this might not be at the level desired by the force (either as a result of the formula, timing of funds or restrictions on public spending), the onus on the police authority to demonstrate any material shortfall arising from the proposed developments over and above what would be provided normally, and consideration of the impact on the viability of the developments, has not be discharged.
- 9.73 Both Barwood (subject to receipt of a commercial rent) and the Consortium intend to make available a police office within their respective community facility buildings. Although there is no explicit justification, it can reasonably be assumed that the police would require a local presence within developments of this scale as part of its ethos of community policing and that such provision would be capable of meeting the tests of the Community Infrastructure Levy Regulations. ^[8.13, 8.15]
- 9.74 In reaching these conclusions, regard has been had to the appeal decisions at Barrow upon Soar, where there is no consideration of police authority funding; and Lutterworth, where the reference to other sources of police funding is qualified by the Inspector being satisfied, on the evidence before her, that a contribution towards policing was necessary to make the development acceptable in planning terms. ^[4.90, 8.25]

Summary conclusion

- 9.75 In summary, the National Planning Policy Framework seeks to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life. Developer contributions may legitimately be sought for a wide range of infrastructure subject to meeting the three statutory tests set out in the Regulations.
- 9.76 Policy GP.94 of the Aylesbury Vale District Local Plan also requires regard to be had to the provision of community facilities and services. However, in the case of Fleet Marston and Hampden Fields, Thames Valley Police has not made out a convincing, site-specific, case for the funding which it seeks. Accordingly, the lack of developer contributions does not justify the refusal of planning permission. ^[8.21-8.22]

FLEET MARSTON

The first main consideration: the landscape and visual effects

Introduction

9.77 There is an abundance of documents relating to the assessment of the landscape in and around the site including material prepared as part of the evidence base for the Core Strategy; work undertaken on behalf of Barwood; Inspectors' reports relating to the District Local Plan, Core Strategy and planning appeals; the Landscape and Visual Impact Assessment prepared for the application; and the evidence to the Inquiry. Each falls to be considered in light of its specific purpose and the degree to which the outcome has been questioned. In total they form a rich source of background material, albeit none of it is to be applied uncritically, for assessing the appeal proposal. ^[1.58-1.61, 2.58-2.74, 2.76, 3.67-3.73, 3.76-3.80, 5.60-5.61, 5.63]

Landscape character

9.78 The majority of the appeal site is located within the Northern Vale Landscape Character Area. The Landscape Character Assessment identifies the condition of the landscape to be generally 'good' within the character area as a whole; and Barwood's critique of this document as part of the evidence base prepared for the Core Strategy made no fundamental challenge to this assessment. ^[2.57-2.67, 2.91-2.93, 2.95]

9.79 It did however question whether the Northern Vale exhibited a 'sense of isolation away from the A41 and the A413' having regard to the presence of the Berryfields development. It is also said that the exclusion of main settlements from the study area predicates the conclusion of a 'very low level of settlement'. Although the study had regard to the extent of the planned built-up areas, Berryfields is now considerably more advanced, physically, than it was when the document was prepared. ^[2.94, 3.69]

9.80 In this regard, Berryfields has, undoubtedly, had an impact on the perception of the countryside immediately to the north of Aylesbury. Its influence can be seen to extend within the vicinity of Quarrendon Fields; northwards along the minor road running towards Quainton; and in part over the southern part of the Fleet Marston site. ^[3.83]

9.81 On this basis, the 'sense of isolation' within this part of the Northern Vale is somewhat tenuous and, at best, limited to those areas where the proximity of either the Quainton-Wing Hills or the Brill-Winchendon Hills Areas of Attractive Landscape provide immediate context and overall greater influence. However, it remains true that the Northern Vale, beyond Berryfields, has a very low level of settlement in the form of farmsteads, small groups of buildings and the modest village of Hardwick. ^[3.103]

9.82 It cannot be denied that the Northern Vale as a whole exhibits a degree of variation within the identified five key characteristics; and the landscape of Fleet Marston has no more than two of those characteristics. Notably, the appeal site consists of large open arable fields and, whilst its landscape has limited undulation, including the rather more pronounced knoll on which the church of Saint Mary stands, it is, to all intents and purposes, perceived to be generally flat. ^[2.60, 3.82]

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- 9.83 The seven distinctive features of the area, with the exception of Saint Mary's, are generally absent at Fleet Marston; albeit there is knowledge, rather than a physical presence, of the deserted medieval settlement that once supported the church. ^[2.61]
- 9.84 In terms of intrusive features, the most notable element is the passage of traffic along the A41 through the site. The railway line has limited impact, although that is likely to become more pronounced with the regular passage of trains following the introduction of the East-West Rail project. The pylons and electricity lines to the north-east of the railway, before striking northwards onto higher ground, are also to be noted. ^[2.62, 3.83]
- 9.85 There are other intrusive elements, which are not recorded in the Landscape Character Assessment, that have a bearing on the site. In this regard, the site immediately adjoins the extended built-up area of Aylesbury. The urban context provided by Berryfields and Aylesbury Vale Parkway station is the more apparent when travelling out of Aylesbury; but this rapidly recedes as the influence of the built-up area is funnelled into the line of the A41 as far as the railway bridge and embankment and thereafter the vista opens into the inherently rural landscape of the Northern Vale with the town clearly left behind. ^[2.99-2.102, 2.105, 3.26, 3.83, 4.185(g), 4.199, 5.62]
- 9.86 In the approach to Aylesbury along the A41, the transition into the built-up area is short and generally limited to the southern part of the site as built elements come into view beyond the railway bridge. Elsewhere, within the site, there are instances (for example in the vicinity of Saint Mary's church) where the growing presence of Berryfields is more marked. Although some landscape mitigation is to be expected associated with that development, the perception of an adjacent built-up area is unlikely to become immaterial. ^[2.103-2.104, 2.107, 3.83]
- 9.87 In terms of commercial uses in the locality, the reclamation yard has urban fringe characteristics but, given its scale, its impact is limited; and the units at Fleet Marston Farm, from public vantages, maintain the semblance of a mixed group of traditional and modern agricultural buildings. ^[3.83]
- 9.88 It is also relevant to note that HS2, if it is implemented, has the potential to have a pronounced influence on the western part of the site as a result of physical works, movement and noise. The likely 'individual' effects of HS2, if constructed, are essentially unknown; but surface infrastructure of this nature, striking a swathe through the countryside, would have an additional influence on the character of the landscape. In this regard, it is likely to become an added element of the landscape, within a wider bowl framed by higher ground; and, from that higher ground, it is likely to be perceived as a further component of the valley floor. ^[3.97-3.98]
- 9.89 In terms of landscape condition, Fleet Marston has been shaped by modern agricultural practices and the influence of the A41 and the existing railway corridor and progressive change is more marked here than in the wider landscape of the Northern Vale (which itself has not been immune to that process). It is true that, in isolation, Fleet Marston's aesthetic qualities and sense of place are neither strong nor particularly distinctive; but they are not untypical of characteristics often found in the transition, or movement away, from a large built-up area into the wider countryside. ^[2.87-2.91, 3.84]

- 9.90 As to value, brief explanation of the concept is required with the aid of the Guidelines for Landscape and Visual Impact Assessment. The second edition (CD 7.13), which was the primary basis for the consideration of the evidence to the Inquiry, indicates at page 70: - *'A judgement needs to be made on the value or importance to society of the affected landscape. This will need to take into account views of consultees including (if possible) the public, about what is important in a landscape and why'*.
- 9.91 However, local perception is but one element of the overall assessment of value, with the glossary at page 120 defining landscape value as: - *'the relative value or importance attached to a landscape (often as a basis for designation or recognition), which expresses national or local consensus, because of its quality, special qualities including perceptual aspects such as scenic beauty, tranquillity or wildness, cultural associations or other conservation issues'*.
- 9.92 Despite the endeavours of the 'Save the Vale' group (and other interested persons) and their concern, amongst others, about the landscape, the value of the landscape for existing residents as a place to live stands almost alone amongst the other criteria which make up landscape value. ^[8.39-8.42, 8.66]
- 9.93 In this regard, the Northern Vale is not a designated landscape; and whilst a small parcel in the western part of the appeal site lies within the Area of Attractive Landscape, this local designation has very limited bearing on the landscape value of the overall site. The cultural associations of Fleet Marston are limited to Saint Mary's church itself. ^[2.66, 2.86(f)]
- 9.94 In addition, recreational use of the land appears to be minimal as few public footpaths cross the site; there is seemingly little use of them consequent, in part, on the sparsely populated nature of the area. Overall, it cannot be said that the proposed Fleet Marston development is within a highly valued landscape. ^[3.82(d), 3.103]
- 9.95 The appellant's Landscape and Visual Impact Assessment, in describing the landscape as *'ordinary'* and highlighting Fleet Marston, in particular, as a landscape in *'poor'* condition contrasts with the published Landscape Character Assessment prepared on behalf of the Council. Although the landscape of the Northern Vale is not particularly striking, the character area exhibits general coherence and it has a number of positive features.
- 9.96 These include the large scale, open, predominantly agricultural vale landscape with its scatter of buildings and the small settlement of Hardwick. Open views and its relationship with the adjacent, more attractive, character areas enhance its overall perception and significance. In contrast, the identified intrusive elements have limited bearing on the character area as a whole. ^[2.63 - 2.67, 2.82-2.86, 3.70, 3.84-3.85]
- 9.97 In terms of Fleet Marston, it cannot be denied that the process of change, the impacts of the growing built-up area and the lack of tranquillity along the A41 corridor, are factors in particular which have a direct influence on the landscape character of the appeal site. However, in the context of the Northern Vale Landscape Character Area this is essentially a matter of degree; and there is nothing to suggest that the Fleet Marston landscape

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- no longer reflects, or fails to contribute to, the wider character type. It is telling that the appellant in seeking to draw distinctions between the Fleet Marston site and the entity of the Northern Vale does not contend that the appeal site should be treated as a separate landscape sub-area.^[2.62, 2.97, 3.83-3.84]
- 9.98 Overall, whilst individual assessment might find the character of the Fleet Marston site to be generally *'poor'*, the consideration of landscape character relates to the defined area of the Northern Vale which is appropriately identified in the Landscape Character Assessment as a *'good'* landscape.^[2.67, 2.75, 3.85]
- 9.99 Moving to the impact on landscape character, the Environmental Statement, drawing on the Guidelines for Landscape and Visual Impact Assessment, outlines three elements for consideration, namely the capacity of the landscape to accommodate change (its sensitivity); the scale or magnitude of the change; and whether the change is beneficial or adverse.
- 9.100 Again, the appellant's assessment focuses on the site itself rather than the context of the Landscape Character Area. This approach serves to emphasise how the appeal site diverges from the wider character area with the aim of downplaying its sensitivity and the contrast of *'low'* and *'high'* sensitivity respectively. In the absence of anything of substance to suggest that the latter was ill-informed, it merits greater credence in determining the sensitivity of the receiving landscape.^[3.70]
- 9.101 Barwood acknowledges that the magnitude of change, relative to the site itself, would be *'major'* (high/substantial in terms of the Guidelines for Landscape and Visual Impact Assessment). However, at this juncture, the appellant relies on the site being part of the larger Northern Vale as a means of seeking to dilute the impact of the proposed development to reach a conclusion of *'minor'* (low/slight) magnitude on the Northern Vale as a whole.^[2.96-2.98, 3.82, 3.85]
- 9.102 However, the erosion of part of the Northern Vale, on the scale of the appeal proposal should not be underestimated in that a significant tract of rural landscape would be lost to development. Moreover, even with careful landscaping, given the presence of surrounding higher ground, it is likely that the urbanising influences of the proposed urban extension would be experienced well beyond the site itself; and there would be potential to perpetuate claims of *'minor'* change to support successive development proposals in the area. Consequently, the attempt to downplay the magnitude of change is not well-founded.^[3.95, 3.101]
- 9.103 In terms of the nature of the change, the vision expressed in the Addendum Design and Access Statement, is: - *'to create a new, distinctive and connected sustainable urban extension with varied and traditionally inspired character areas, set in a landscape setting, which will be an alternative to continuous sprawl around Aylesbury'* and as a means of delivering memorable places. Even if this were to limit the nature of the change to *'moderate adverse'*, rather than *'major adverse'*, the overall significance would be a combination of the magnitude of change (*'high'*) with the value of the landscape (*'good'*) giving a significance of at least *'moderate'* rather than *'neutral/slight'* as claimed.^[2.84-2.86]
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- 9.104 A further element of the assessment of effects on landscape character relates to the portion of the appeal site, to the south of the A41 which forms part of the Waddesdon-Eythrope Parkland Landscape Character Area and lies within the Brill-Winchendon Hills Area of Attractive Landscape. The latter is a long-standing local designation covering an extensive area with the land within the appeal site forming a very small part of the designated area. The relevance or otherwise of saved Policy RA.8 of the Aylesbury Vale District Local Plan is a matter to which I return in paragraphs 9.138 – 9.140 below. ^[2.73-2.74, 2.108(a)(vii), 3.100]
- 9.105 Irrespective of that, the designated area is a landscape of recognised quality typified by gentle rising topography; mature farmland, some of which has a parkland or woodland setting, and open views across the vale with the backdrop of the Quainton-Wing Hills Area of Attractive Landscape and its constituent hilltop, small, settlements. ^[2.68]
- 9.106 The loss of that part of the appeal site within the designated area from open countryside to formal playing pitches would, despite boundary planting, lead to a clear perception of the land being an associated and integral part of the proposed urban extension rather than an element of the wider landscape. Whilst the northern edge of the designated area comes under the influence of the A41, and contains settlement and recreation provision, these are perceived to be atypical of, and intrusive within, the character area. On this basis, the proposal would add a further detracting element, albeit to a very limited degree having particular regard to its limited size, adjacency to the A41 and retention in comparable open use. ^[2.69, 3.100(e)(f), 3.101]
- 9.107 However, the Landscape Character Areas adjoining the Northern Vale, and forming part of the above Areas of Attractive Landscape, both possess the key characteristic, amongst others, of long distance views. Whilst specific public vantages are generally limited, the open vale floor forms an integral part of that key characteristic in that, in each instance, it provides a rural foreground to the respective backdrop hills and the wider landscape extending north-westwards. ^[2.68, 2.70, 3.86]
- 9.108 Although, the built-up area of Aylesbury and the growing presence of Berryfields already impinge on the character of the landscape, Fleet Marston would result in a broad finger of new development projecting into an area whose rural characteristics currently prevail. The urbanisation of this area would undermine the key characteristic of long distant views, related to the surrounding countryside and landscape, from the adjacent Landscape Character Areas. ^[3.87, 5.66(a)]
- 9.109 In summary, although the Fleet Marston site shows some variation from the wider Northern Vale Landscape Character Area, the impact on landscape character is to be determined by reference to the whole rather than its constituent parts. The appellant's reliance on the site specific characteristics of the appeal site has the effect of underscoring impacts and distorts the overall conclusions reached on its behalf. Overall, the proposed urban extension would have a profound adverse impact on landscape character.

Visual effects

- 9.110 The Landscape and Visual Impact Assessment identifies the two-stage process for assessing visual effects: - firstly, the mapping of the area from which the development would be seen (the visual envelope); and, secondly, undertaking an assessment of the difference between the existing view and the view with the development in place according to a number of factors.
- 9.111 Briefly, in terms of methodology, the visual envelope depicted in the assessment generally reflects the extent to which topography would constrain views towards the site. Although it is possible that visual impacts might be experienced from limited viewpoints beyond the identified area, these would be more distant and of peripheral importance to the assessment based on closer, agreed and well defined locations.
- 9.112 From some of those locations Barwood and the Council reach different conclusions on the significance of visual impacts with the latter identifying higher levels of impact on visual amenity.
- 9.113 Taking three examples as indicative of the degree of deviation, the view from the Area of Attractive Landscape to the south-west of the site (the public footpath from Coney Hill Farm to Putlowes Cottages) has two elements. The first, from the higher ground, represents the more critical element as the lower parts of the path, in the vicinity of Putlowes Cottages, would be well contained by existing vegetation, adjoined by proposed open land uses and enhanced by additional planting. ^[2.108(a) 3.93, 3.95]
- 9.114 By contrast, from the more elevated sections of the path the Landscape and Visual Impact Assessment records that the southern part of the development, around the church, would be clearly visible in the mid-ground, as would most of the Berryfields development beyond and to the south of it. Even with the longer term mitigation effects of peripheral planting as part of Berryfields, the buildings within the Saint Mary's character area would be perceived as a further layer of development and visual impacts would be limited. ^[3.95]
- 9.115 In terms of the northern part of Fleet Marston, the commentary in the Environmental Statement indicates that this area would be largely obscured by the shoulder of the foreground hill and it would appear separated from Saint Mary's by the central open space which would in turn protect long distance views of Hardwick church. ^[2.108(a)(x)]
- 9.116 However, taking account of the indicative density and the building height parameters for that part of the site, a significant element of the proposal would be readily apparent. Whilst the skyline of the mid-vale ridges at Oving and Whitchurch would be unaffected, the impact on the view of the vale floor and the manner in which it relates to the wider landscape would be seriously impaired. Overall, the magnitude of impact would be appropriately scored as '*substantial*' and with a high sensitivity of visual receptor, despite low usage of the path, the significance of the residual visual impact would be '*substantial adverse*' rather than '*moderate adverse*' as scored by the appellants. ^[2.108]

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- 9.117 The point can be demonstrated with even greater clarity by movement along the path to a nearby point beyond the shielding influence of the hillside shoulder where the view towards Fleet Marston is more-or-less unrestricted and from where the true extent of the northern neighbourhood would be appreciated. In this regard the entire development would be perceived as a very notable elongation of the built-up area of Aylesbury. [2.108(a)(x)]
- 9.118 Moreover, the northern part, of markedly greater scale and at a predominantly greater residential density than the Saint Mary's character area would, with the added impact arising from the separation afforded by the central open space, be highly intrusive in the panoramic view of a characteristically flat valley landscape and its attractive hillside backdrop. [2.65, 2.74, 2.105(e), 2.108(a)]
- 9.119 Moving on to the second point of disagreement, and taking in the view from the public right of way between Waddesdon and Fleet Marston Farm, the path in question runs more-or-less along the valley floor on its approach to the western edge of the proposed development. Although views are, for the most part, limited there are instances where the vista is broad and undeniably rural in character and the overall experience is one of walking through the countryside away from the influence of nearby built-up areas. [3.93(b)]
- 9.120 Whilst the existing planting along the western boundary of the site, particularly with management and future growth, would provide a strong foreground filter to the development, the degree of change for a recreational walker, with particular emphasis on the enjoyment of the countryside, would result in more than a '*slight adverse effect*' given the resultant change in the view and the sensitivity of the receptor. This would not be lessened by the limited use of the path and the recorded difficulties in negotiating it at times.
- 9.121 Moreover, once within the proposed development site the path, despite retention of its route and connection to the central green space, would have an '*urban*' context with fewer opportunities for the user to benefit from outward views of the surrounding hills. Thus, the assessment of '*moderate adverse effect*' appears unduly low and it can be concluded that the overall effect on the use of this route would be '*substantial adverse*'.
- 9.122 Taking the third notable difference, relating to part of the Midshires Way, the high part of the route and the descent into the vale is generally screened by high hedgerows, with little opportunity to perceive the Fleet Marston site and the general direction of the view is towards Quainton Hill and its windmill. The appellant's assessment of a '*slight adverse effect*' is therefore appropriate. [2.108(a), 3.93(c)]
- 9.123 Nonetheless, the Council's standpoint of '*substantial adverse*' can be explained by its slightly different viewpoint, a short distance from the path and adjacent to a trig point positioned in a gap in the hedge (to which an inquisitive walker might stray). From this vantage, there is an open and expansive view towards the appeal site, and its wider context of Aylesbury and Berryfields, where the extent of change to the experience of the landscape would be particularly marked. [3.94]

- 9.124 Returning to the Landscape and Visual Impact Assessment, it is a matter of record that none of the nearby Registered Parkland (Waddesdon Manor, Eythrope Park and Hartwell House) would experience '*significant adverse effects*'. Similarly, there would be little impact on named recreational paths and public open space (Quinton Hill and The Chilterns Area of Outstanding Natural Beauty). With the exception of the two paths referred to above (Coney Hill Farm to Putlowes Cottages and Waddesdon to Fleet Marston Farm) the effects of the development on public rights of way would be either '*slight*' or '*beneficial*'.^[2.63, 2.65, 3.93]
- 9.125 In terms of residential receptors, there are very few dwellings immediately adjoining the site and no material impacts would arise. Of the dwellings within the site, only Fleet Marston Farm Cottages would, in the terminology of the Landscape and Visual Impact Assessment, experience '*major adverse effects*' as a result of the sensitivity of a residential receptor and the degree of change that would be occasioned by the proposed development. However, that is not to say that the living conditions of local residents would be marred to an unacceptable degree.
- 9.126 In the wider area, no more than a minority of the occasional farmsteads would be adversely affected, using the same criteria, and, similarly, none would experience an unacceptable loss of residential amenity. From the elevated dwellings along the Pitchcott – Whitchurch ridge the aspect would generally show limited material change given the backdrop of Berryfields and the wider setting of Aylesbury.
- 9.127 In summary, the Fleet Marston site has the advantage of being somewhat '*isolated*' in that there are limited views over and across it from public rights of way; and there are few nearby houses with aspect over it. However, given the scale of the proposed development; the degree of change to the landscape and the '*sensitivity*' of affected '*receptors*'; and the transformation of the vale landscape and its intimate relationship with the flanking hillsides, the proposal would result in serious visual harm to the landscape.^[8.32-8.33]
- 9.128 Before leaving visual impacts, the stretch of the A41 within the development would undergo fundamental change from a road through the countryside to that of an urban street. Although the relatively '*new*' carriageway of the A41 is experienced as a '*well-engineered*' highway with sweeping, and sometimes wide, alignment it benefits from periodic views of the land and hills either side. Whilst motorists are generally to be regarded as less sensitive receptors, some additional weight attaches as a result of the degree to which the road is used.^[4.197]
- 9.129 Finally, save for the passage of road traffic, the area of Fleet Marston is essentially dark at night and, in the view from vantages along the Pitchcott – Oving Ridge, the greater part of the site falls beyond the influence of the illumination of Berryfields and the glow of Aylesbury. Given the physical form of the development and the manner in which it would significantly elongate the built-up area, the proposed development would extend the adverse impact of lighting on the night sky significantly beyond its current limits. Although the irritation of street lighting could be minimised by design, the effect of other light sources arising from a development of this scale and nature would remain, cumulatively, as intrusive on the dark sky.^[2.117-2.119, 3.96, 4.185(f), 4.198]

Design iteration and primary mitigation

- 9.130 The Fleet Marston scheme is predicated on achieving a good landscape fit following an iterative process where design, rather than mitigation, seeks to avoid residual adverse impacts. The project has received positive comment from CABE on two occasions, albeit notwithstanding revisions to the masterplan concerns continued to be expressed about the relationship between the development and its countryside setting. ^[3.2-3.8, 3.11, 3.14-3.22, 3.88-3.89, 4.189-4.191, 5.66(b)(c)]
- 9.131 For my part, even with the completion of Berryfields, Fleet Marston would represent a substantial incursion into the open countryside, the vale landscape and its wider attractive landscape setting with impacts on both its character and visual amenity. Unlike Berryfields, which partially nestles behind a low ridgeline to the north-west of the development area, Fleet Marston would lack similar topographical reference and rationale in its relationship with the wider landscape which would be compounded by the unashamedly prevalence of residential buildings up to 13 metres in height and up to a density of 60 dwellings per hectare. ^[2.105(g), 2.106 – 2.108, 3.17, 4.185(a)(c)(e), 4.194-4.196]
- 9.132 Although described, with Berryfields, as *'beads of development along a major route, separated by green wedges of countryside and open space'*, the overall effect would be a significant extension of Aylesbury, in broad linear form, with limited contextual association with the built-up area and the wider landscape. This would be particularly apparent from elevated vantages to the south-west and from certain points along the Pithcott – Oving ridge where the shoulder of the hill ceases to be an impediment to the view. ^[3.23-3.25]
- 9.133 The Taylor Review, in its criticism of poorly planned housing growth endorses the *'hub and spoke'* expansion of market towns where carefully planned sustainable satellite neighbourhoods are located within, and separated from the town by, public green/open space. Although the masterplanning of Fleet Marston reflects these underlying principles, the proposal, nonetheless, also falls to be considered alongside the landscape impacts identified. ^[3.5, 3.11, 3.16, 3.24-3.25, 3.87, 5.64-5.65]
- 9.134 In terms of the three key elements, which are said to have influenced the proposal, the retention of views from higher ground to the south-west across the central open space towards Hardwick and Weedon is acknowledged. However, the built-up areas either side would provide an inevitable foreground distraction and weaken the design concept of seeking to provide a landscape connection between the land to the west and east of the site and to maintain the interest in the pre-eminence of the backdrop hillside.
- 9.135 Turning to the second key landscape influence, of the A41 and the existing rail corridors, some of the built-up area and related open space would not be contained by these linear features. In any event, whilst both provide some definition to the landscape, more-or-less at ground level, neither is of such a significance or magnitude to provide an engaging physical framework and rationale for the development. ^[2.108(b), 4.185(b)]

- 9.136 In reaching this conclusion, it is apposite to note that the route of HS2, to the immediate west of the site, could introduce a new well-defined linear feature and add to the claim of the site being contained. At the same time the commitment to, or presence of houses at, Fleet Marston might necessitate bunding and/or fencing to mitigate noise impacts from the railway and lead to increased impacts on the character and appearance of the landscape. ^[3.104]
- 9.137 The final element of the relatively young tree belt along the western boundary of the site, as a shaping influence to the development, contradicts its very limited presence in the landscape. Moreover, even with sculpturing as part of the green infrastructure proposals and subsequent growth and maturity, the aspiration appears overstated in that the generally abrupt linear tree belt to the north of the A41 would offer little or nothing in securing an effective transition between the countryside and the undeniable harsh impact of the proposed built development. ^[2.106(b), 4.185(h), 5.66(d)]

Aylesbury Vale District Local Plan:- Policies RA.8 and GP.35

Policy RA.8

- 9.138 The point at issue is whether the proposal would conflict with Policy RA.8, relating to Areas of Attractive Landscape, which provides: - *'Development proposals in these areas should respect their landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured'*.
- 9.139 Although the National Planning Policy Framework indicates that the planning system should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing valued landscapes, it is a further requirement that local planning authorities should set criteria based policies against which proposals affecting protected landscape areas can be judged.
- 9.140 The policy is drafted in a manner which permits development if there is no harm to landscape character either inherently or by mitigation; but it does not set express criteria to be used in measuring whether or not harm would occur and the credentials for assessing mitigation. Additionally, there has been no comprehensive up-to-date analysis of the area and its boundaries and whether the designation continues to be justified. On this basis, and despite the Framework indicating that the planning system should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing valued landscapes, the policy merits very little weight. ^[2.108(a)(vii), 3.29, 3.100-3.101, 3.193, 4.193]

Policy GP.35

- 9.141 The question here is whether Policy GP.35 is a landscape protection policy. It is in part of the local plan under a heading *'Conservation of the Built Environment'*; but the first paragraph of the text indicates that *'an approach is required that respects the traditional character of towns and villages, and, where development in the countryside is necessary or appropriate, the traditional character of rural landscape and buildings'*. Shortly thereafter reference is made to landscape designations in the district. ^[2.120-2.123, 3.102, 4.185(l)]

- 9.142 A sub-heading follows *'Design Principles for New Development'* with the ensuing paragraphs referring to local distinctiveness by requiring *'development to acknowledge its immediate surroundings. This will be especially important in areas recognised for their landscape or townscape quality*'. Policy GP.34 (not saved) follows and relates to the previous introductory text.
- 9.143 Thereafter, a number of secondary sub-headings refer to siting and layout; scale; materials and design details. The text makes reference to these elements in terms of *'this is also true in countryside locations*'; *'..... whether urban or rural*'; and *'..... the special landscape areas'*. Policy GP.35 follows with no particular reference to landscape other than *'the natural qualities and features of the area'*.
- 9.144 Taking the overall context of the policy, whilst criticism might be made of its derivation and logic, it appears to include landscape protection as one element of the design process. It is criteria based and consistent with the National Planning Policy Framework with particular reference to conserving and enhancing the natural environment.^[2.120-2.122]

Summary conclusion

- 9.145 It is to be acknowledged that Fleet Marston would not result in coalescence; and it is distant from the Chilterns Area of Outstanding Natural Beauty. The proposal offers benefits including the retention, enhancement and reintroduction of trees and hedgerows consistent with the grain of the character area, community green infrastructure and the management of watercourses.^[3.106]
- 9.146 However, the proposal would have an adverse impact on the character and appearance of the landscape, contrary to Policy GP.35, which would not be adequately mitigated by the design philosophy for Fleet Marston. On balance, the landscape and visual effects would cause significant harm.

FLEET MARSTON

The second main consideration: the effect of the proposed development on heritage assets

Saint Mary's church

The impact on setting

- 9.147 The National Planning Policy Framework indicates that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. It calls for three factors to be taken into account in determining planning applications namely: - *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness'*.

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- 9.148 Paragraph 132 of the Framework confirms that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.^[2.147, 5.69]
- 9.149 Saint Mary's church, Fleet Marston is listed grade II*. Although it would be retained within the development the principal consideration is the effect of the proposed development on the setting of the designated asset and, in turn, the contribution that setting makes to the significance of the asset.^[2.124, 3.113, 4.200, 5.70]
- 9.150 The starting point is to set out an understanding of setting and its contribution to significance. In this regard, although Saint Mary's has a well-defined churchyard, its slightly elevated position and presence in open fields has the effect of extending its setting generally to the A41 to the south and west; northwards along the vale towards Fleet Marston Farm; and eastwards to the line of the railway with the influence of the Berryfields development beyond.^[2.128-2.133, 2.139-2.140, 3.109, 4.201, 5.72]
- 9.151 There are limited longer distant views from the church, notably the backdrop hills of the Northern Vale; and there are relatively few significant views of the church in the landscape other than an occasional glimpse along the road from Berryfields to Quainton and Pitchcott. There are some distracting elements including the edge of Berryfields, the transmission lines and pylons beyond the railway, sporadic modern buildings and, according to wind direction, noise from the A41.^[3.109]
- 9.152 Moreover, notwithstanding the somewhat incongruous and unbecoming approach through a reclamation yard, it is possible to lose oneself in the relative isolation of the church within its sheltered churchyard and, with a basic appreciation of the history of the area, to understand the relative seclusion of the building, the absence of contemporary buildings and settlement and its survival in the landscape. Although the setting of the church is much altered from the time that it was built, and few people pass close by, its transition through history and current expression are an important component of the asset.^[2.136-2.137, 3.110, 3.117, 4.202, 5.73]
- 9.153 Indeed, English Heritage's *The Setting of Heritage Assets* acknowledges that *'most of the settings within which people experience heritage assets today have changed over time. Understanding this history of change will help to determine how further development within the asset's setting will contribute to its significance'*. The current setting of Saint Mary's is the antithesis of its origins in that it has continued as a church despite having lost its community. The point at issue is whether the construction of an urban extension would compromise the setting of the church or whether it would preserve or enhance it.^[2.134, 3.111, 4.202]
- 9.154 The provision of a larger churchyard in the revised masterplan was welcomed by CABE as offering a generous green space at the heart of the development. However, the enlarged ring around the current churchyard, whilst having archaeological rationale, would be substantially enclosed by built development.^[3.22, 3.112, 3.117]

- 9.155 Whilst framed views of the church, and from the church to the open space of Fleet Meadows, are intended, the current predominantly rural setting would give way to one with distinct urban characteristics. Within this context the unassuming diminutive church would be subsumed by new development; its rural origins would disappear; and its current local dominance of the landscape, by the subtlety of its siting on a low mound overseeing its now abandoned contemporary vale community, would be lost. [2.125, 2.141-2.142, 4.202, 5.78]
- 9.156 The confirmed view of English Heritage is that *'the significance of the building was without doubt due in part to the relatively isolated location'* and it was acknowledged that *'the proposals would not preserve the setting of the church'*. However, it was deemed that *'the main significance lay in the architecture of the structure itself as a medieval building rather than in its deserted location, and so the harm to significance was less than substantial'*. Nonetheless it was acknowledged that *'the line between substantial harm and less-than substantial harm is necessarily a fine one, and this represented an impact which was close to that line'*. [5.83]
- 9.157 In light of English Heritage's predilection for the merits of the building itself, there is an element of irony in that Barwood's historical notes downplay the architectural qualities of Saint Mary's in favour of the communal value of the church. [2.135, 2.138, 3.114-3.116, 3.118, 3.128, 4.203]
- 9.158 Nonetheless, the simplicity of the church, and its survival over time incorporating changes to the fabric of the building, which add to its interest, provide the primary element of its significance. Its role in history, as a survival of rural depopulation and association with John Wesley, are further important factors. [3.108, 3.116, 5.74-5.77]
- 9.159 The remaining countryside setting, albeit much altered over time, adds testimony to the church's rural origins. However, as the extent of its former community and its relationship with it are intangible, and having regard to modern incongruous elements nearby, the setting of the church, although important to its comprehensive appreciation, is a complementary contributor to its significance. [2.134, 3.115, 4.202]
- 9.160 On this basis, although the effect on the setting of the church would be unmistakable, and in recognition of the very finely balanced nature of the assessment of impact, I consider that the acknowledged harm to the significance of the building would just remain within the bounds of *'less than substantial'*. [2.125, 3.118, 3.125-3.127, 4.205-4.207, 5.87-5.88]

The public benefits of the proposal

- 9.161 Paragraph 134 of the National Planning Policy Framework explains that *'where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use'*. [2.126, 3.119]
- 9.162 Barwood's vision is to place the church at the centre of a new community; to use it for regular public worship and wider community purposes; and to provide funds, qualified by the Memorandum of Agreement, for its repair and agreed improvements. [3.120, 3.123]

- 9.163 Although submissions were made by others about the possibility of secular use of the church, and the potential need for physical alterations/extension to the building (and the related need for planning permission and/or listed building consent), Barwood's position is founded in the use of the church within its current use class (and for which no separate planning permission would be required). That is consistent with the terms of the application and accordingly the basis for consideration. ^[2.148, 3.121]
- 9.164 In this regard, Barwood draws on the support of the Church of England's guide to section 68 of the Mission and Pastoral Measure 2011 which underlies the increasing recognition that wider community uses can be complementary to a church's primary purpose as a place of worship and that they can provide a valuable means of bringing the church congregation and the wider community more closely together. Against this background the Council's concern about the potential impediment to wider use appears generally unfounded. ^[3.121-3.122]
- 9.165 However, the guide confirms that the provisions of section 68 will not be suitable for use in all churches, or in all circumstances. It indicates that the starting point is for the vicar and church members to identify what the real needs are in the community; and alongside this to ensure that wider use does not compromise the very special historic and spiritual space that is a feature of so many churches; or frustrate church activities including those that may need to take place at short notice. It also raises the issue as to whether toilet and refreshment facilities would be sufficient for the additional usage. ^[3.130, 4.208(c), 5.84]
- 9.166 Saint Mary's is a single space small building and whilst this might not be an impediment to some of the illustrative low-key uses, the absence of toilet facilities might be an inhibiting factor. Without some form of works to the building, either internally or externally, the potential to realise regular activity would inevitably be constrained. It is not necessary to speculate on whether such works would in turn have implications for the listed building and its setting as any proposal would be the subject of specific consenting regimes. ^[2.150, 2.155-2.157]
- 9.167 The starting point is to acknowledge that the church has been redundant for some forty years; the building lacks regular use; the asset has an unflattering means of access; and its interest and value is generally limited to those with an appreciation of historic churches and an ability to search out such buildings.
- 9.168 However, one cannot help thinking that the current restricted level of use is inconsistent with the humble allure of the building and the potential for it to have wider appreciation; and the benefits that a self-supporting viable use would bring. The desirability of putting heritage assets to viable uses consistent with their conservation is, in determining planning applications, a factor of expressed importance and one that was acknowledged by the Council. ^[3.129-3.132]
- 9.169 The Churches Conservation Trust, as early as 2009, supported the principles of the proposed Fleet Marston development and the shared philosophy regarding the potential role Saint Mary's could play at the centre of a new community, preferably as a functioning church, as a means of securing the future of the building. ^[3.122]

- 9.170 Matters have moved on with the Trust in the signing of a Memorandum of Agreement, in October 2013, which would, amongst other things, make the church available for community use. The Council's concerns about lack of consultation with the Trust, and whether or not the implications of draft planning conditions relating to the church were known to them, appears somewhat disingenuous in light of the expressed cooperation and common goal of securing a long-term viable use. Accordingly, the Memorandum should be read as a document freely entered into and on the assumption that a responsible body would have been appropriately advised, or informed, before undertaking such a commitment. [2.159-2.160, 3.133, 3.137-3.138, 3.140]
- 9.171 The Memorandum of Agreement is an explicit pledge to cooperation between Barwood and the Trust in that it is intended to be legally binding and to create contractual obligations between the parties from the date of signing. Although the agreed principles and agreed arrangements are expressed as '*aspirations*', they nonetheless provide clear direction to the specific provisions set out in the schedule. Apart from Barwood providing a village green and access to the building, and the Trust making the building available, as would be expected of the respective parties if the joint intent of greater use is to be realised, the remaining three terms are financial in nature. [3.139, 4.208(b)]
- 9.172 The first of these would provide a sum of money as partial recognition for the cost of the repair work undertaken by the Trust; the second identifies monies for any repairs subsequently needed when the phase relating to Saint Mary's commences; and the third allocates funding for subsequent agreed improvement works within ten years following the start of the relevant development phase. [3.139]
- 9.173 Whilst the Memorandum of Agreement is a material consideration, it does not have the certainty or weight that might attach to a planning obligation, in that it is a preliminary stage to a subsequent final agreement and it is immune to the statutory tests applicable to a planning obligation (as set out in the Community Infrastructure Levy Regulations 2010). As such it is a factor of limited weight. [2.161, 4.208(d), 5.86]
- 9.174 The Memorandum is intended to work in common with draft planning conditions 23 and 24 in order to provide a mechanism for the repair and future maintenance of Saint Mary's, with funding provided through the Agreement. [3.134, 3.141]
- 9.175 The first of the two conditions provides for a scheme of works for the repair and renovation of Saint Mary's to allow its continued use as a place of worship. At the present time the prospect of regular ecclesiastical use is uncertain, given the widespread decline of parish churches and related closures or amalgamation. Although it is credible that the vitality of a new community, and the common aims of Barwood and the Trust, would provide the necessary impetus to wider use, there is nothing to guarantee the fulfilment of this objective, not least because it would require the approval of the church authorities. [2.154, 2.158(a)(b)(e), 3.135-3.136]

- 9.176 The church is currently in good repair and capable of use for worship, albeit perhaps in rudimentary form in the absence of heating, lighting and toilet facilities. Nonetheless, there is no reason to doubt that heating and lighting, as anticipated by Barwood, could be a legitimate expectation in order to facilitate greater community use. Whether or not this would fall within the scope of *'repairs and renovation'*, or whether it would constitute works of *'improvement'*, might be debateable but the condition could be redrafted in more general terms. As to precision, whilst leaving open what the scheme of works might contain, the condition (as amended) would have a clearly expressed objective and purpose. ^[2.158(c)(d)]
- 9.177 The second condition is intended to provide an on-going maintenance plan for the church. Its validity is considered below, with points common to draft condition 23.
- 9.178 Both draft conditions are worded in a recognisable negative form and would take effect, logically, in conjunction with the development of the Saint Mary's phase of Fleet Marston as the reality of achieving greater use could not be achieved before the necessary surrounding infrastructure, and related development, was put in place.
- 9.179 Although the consent of the Trust would be an essential prerequisite to the fulfilment of the conditions, in that works would have to meet with its approval, the likelihood of permission being withheld (for reasonably anticipated works) would appear to be improbable given the on-going cooperation of the Trust in seeking to facilitate common objectives.
- 9.180 As to whether the draft conditions are necessary, Saint Mary's is capable of being used for worship; it is in good repair; and there is no reason to suppose that this position would change under the auspices of the Churches Conservation Trust. The test includes the key question of whether there is a definite planning reason for the conditions, namely to make the development acceptable in planning terms. In this case it is whether the conditions, with the support of the Memorandum of Agreement, would sufficiently mitigate the harm to the setting of Saint Mary's church. ^[2.151-2.153, 2.158(j), 2.161, 4.208(a), 5.85]
- 9.181 Drawing the threads together, the proposals for Saint Mary's are, in principle, to be commended and to be acknowledged as consistent with providing a viable use for historic buildings and the wider community role that they can fulfil. However, the reality of regular worship cannot be taken as a foregone conclusion in that it is outside the gift of the appellant and the Trust; and the related ambitions to provide greater community use could only ever draw on a limited range of potential activities, given the inherent constraints of the building.
- 9.182 Yet it is these assumptions which underpin the draft planning conditions which are aimed at securing works of repair and renovation and subsequent maintenance. Whilst it is understandable that the Churches Conservation Trust, in being supportive of greater use, might wish, as a consideration for the use of the building, to recover some of its earlier costs of repair and to limit its future liabilities (in order to apply limited funds to competing interests) no necessary works have been identified and there is nothing to suggest that the future well-being of the building would otherwise be put at risk.

- 9.183 Moreover, the performance of the draft conditions, in terms of their financial implications, would be deferred to the Memorandum of Agreement. As an expression of commitment it does not provide robust surety to the degree required to underpin the draft conditions which are themselves intended to facilitate the overall aspirations for the use of Saint Mary's. ^[5.86]
- 9.184 The totality is one of uncertainty as to whether the goals and best intentions of Barwood and the Trust could be delivered in the manner proposed. As the purported justification to offset the harm to the setting of Saint Mary's church they carry little weight. It follows that the draft conditions fail the test of necessity. ^[2.162, 4.208(f)]

Fleet Marston Farmhouse

- 9.185 The consensus is that the proposed development would not result in substantial harm to the setting of the grade II listed Fleet Marston farmhouse. The setting of the farmhouse is limited to its near surrounds and this has been substantially compromised by large, modern, farm-type sheds. The removal of these and their replacement with appropriately designed, detailed and laid out new buildings would allow a more fitting setting and better reveal the significance of the heritage asset. ^[2.164-2.166]

Summary conclusion

- 9.186 The proposed development would have an adverse impact on the setting of Saint Mary's church, Fleet Marston, a grade II* listed building, amounting to less than substantial harm. The claimed benefits of a wider use for the church and funds for repair and maintenance would not offset that harm to a material degree even if they could be guaranteed by an appropriate robust mechanism. Thus, significant weight attaches to the harm that would be caused to the setting of the church.

FLEET MARSTON

The third main consideration: the sustainability of the proposed urban extension in terms of highways and transportation

Introduction

- 9.187 The starting point is to record that Buckinghamshire County Council, as highway authority, raises no objections to the proposed Fleet Marston urban extension on highways and transportation grounds subject to the provision of a number of highway related improvements to be secured by planning obligation and/or planning conditions. ^[1.46, 3.143, 3.145-3.147]
- 9.188 In this regard, the proposed development would provide the necessary financial contributions, or works, to secure the completion of the Primary Public Transport Corridor, intended as part of the Berryfields Major Development Area, which has a funding shortfall as a result of the renegotiation of the related planning obligation. ^[1.46(a)]
- 9.189 The completion of the scheme, as well as being important to the sustainability credentials of Fleet Marston, would produce major benefits for Berryfields and Aylesbury as a whole. Particular note is to be made of the ability to deliver bus priority measures without material impacts on traffic capacity. ^[3.149-3.156, 3.158]

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- 9.190 This would be a very significant benefit in that it would offer a more certain and immediate solution to providing necessary highways improvements in the absence of any other source of funding and mere speculation about the possibility of funds arising as a result of a future Community Infrastructure Levy charging schedule. ^[4.225-4.227]
- 9.191 The Core Strategy Inspector set out the advantages of Fleet Marston in terms of access to rail travel and the benefits of connection along a Primary Public Transport Corridor. That is unambiguous and not in dispute; but the nature and scale of any improvements he anticipated in the vicinity of the bridge is less explicit. Be that as it may, the appeal proposal falls to be determined in light of the evidence presented to the Inquiry. ^[3.148, 4.186, 4.210]
- 9.192 One of the Core Planning Principles, identified in the National Planning Policy Framework, is to '*actively manage growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*'.
- 9.193 The concept for Fleet Marston is to deliver a sustainable community, with the provision of employment, services and facilities to minimise outward trips with a clear expectation for a high proportion of movements, above the local '*norm*', to take place within the community itself. Ultimately, this is likely to rest on achieving a balance of uses within Fleet Marston as the development progresses; and the wider sustainability aim will require the provision of convenient and attractive links towards Aylesbury for pedestrians and cyclists; and ensuring frequent, accessible and reliable public transport provision to draw residents away from their cars. ^[3.144, 3.157, 3.170, 4.229, 5.99]

Accessibility

- 9.194 In terms of accessibility to rail services, Fleet Marston would enjoy good proximity to Aylesbury Vale Parkway station with significant potential for residents to walk or cycle to the station or to use intended public transport. Services to London are less frequent there, compared to those from Aylesbury and Stoke Mandeville, but that does not by itself undermine the value of a nearby rail service which could be supplemented by using the bus to gain access to Aylesbury station and its wider offer. ^[5.96]
- 9.195 Moreover, Fleet Marston's rail credentials will be significantly enhanced by the implementation of East-West Rail and the provision of services to Milton Keynes and Bedford irrespective of whether or not a new railway station materialises at Fleet Marston. It is clear that its provision remains an aspiration, dependent on the interest of the rail operator; and subject to a time-limited offer through the planning obligation. Whilst it would be a desirable asset to Fleet Marston, the prospect of its availability is so uncertain and no material weight attaches in the overall balance. ^[3.170]
- 9.196 Moving on to accessibility to Aylesbury itself and its related employment, retail, leisure and service uses, Fleet Marston would be, for most people, beyond the limit of convenient walking; but a relatively flat terrain would provide an incentive for cycling even though some destinations would be more than 5 kilometres away and thus beyond the distance with the greatest potential to attract trips by this mode. ^[5.89-5.90]

The railway bridge over the A41

- 9.197 Looking next at the route along the A41 between Fleet Marston, Aylesbury Vale Parkway station, Berryfields and Aylesbury as a whole, all vehicles, cyclists and pedestrians would have to pass under the existing railway bridge at the south-eastern end of the proposed development. The critical consideration is whether the physical constraints of the bridge, in terms of its width, would hinder effective sustainable travel. *[2.167-2.169, 3.162, 7.2-7.3]*
- 9.198 Beginning with technical design principles, Manual for Streets focuses on lightly-trafficked residential streets, but many of its key principles are acknowledged to have potential wider application. The role of the document is to set out guidance on how to do things differently with a view to shaping locally distinct, high-quality places flowing from collaborative working at the local level. Manual for Streets 2 builds on the above guidance and explores in greater detail how and where its key principles can be applied to busier streets and non-trunk roads. *[3.166, 3.168, 7.9]*
- 9.199 In turn, Cycle Infrastructure Design (Local Transport Note 2/08) focuses on the design of cycle infrastructure, but parts are equally appropriate to improving conditions for pedestrians. The guidance is intended to be applied to deliver individual site-specific solutions based on the underpinning principle of offering positive provision for pedestrians and cyclists that reduces delay or diversion and improves safety. Shared Use Routes for Pedestrians and Cyclists (Local Transport Note 1/12) complements and draws on the underlying principles of the above. *[3.167, 4.211, 7.7]*
- 9.200 The A41 is a busy inter-urban road with a volume of traffic sufficient to justify on-road cycle lanes or off-road cycle tracks. Local Transport Note 1/12 expresses a general preference for on-carriageway provision for cyclists over shared use where the predominant function of the route is for utility transport, and where use by pedestrians and/or cyclists is likely to be frequent. *[2.170(a)(b), 4.212, 5.66(h)]*
- 9.201 However, with an overall width between bridge walls of 9.08 metres, defined on-road provision would not be a realistic option as the minimum recommended width for a car overtaking a cyclist is 4.3 metres at 30 miles per hour (which increases to 5.05 metres for buses and heavy goods vehicles). A separate pavement would also be required. On this basis, specific provision for on-road cycling would not be achievable. *[2.170(c), 7.10]*
- 9.202 With off-road provision, in the form of an un-segregated route shared with pedestrians, the guidance points to a preferred minimum width of 3.0 metres with additions of 0.2 metres adjacent to the roadside kerb and 0.5 metres adjacent to the flank wall of the bridge. It is also anticipated that the opposite side of the carriageway would require a 0.5 metres hard strip to ensure adequate separation between the bridge wall and west-bound traffic and a raised protective kerb would add a further 0.38 metres. The resultant carriageway width would be 4.5 metres; whereas a minimum of 6.4 metres would be required to accommodate passing articulated vehicles with a 0.3 metres safety envelope. *[2.170(d)(g)(h), 7.7]*

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- 9.203 The above '*extremes*' serve to illustrate that considerable compromise would have to be made under the bridge and to a lesser extent tapering in and out on either side of it to accommodate vehicular, cyclist and pedestrian movements. Despite the relatively short distance involved the bridge would nonetheless create a localised pinch point on the network.^[2.170(i), 3.164, 5.93]
- 9.204 In this regard, a design to meet the needs of road vehicles, with standard lane widths of 3.65 metres, would leave a single shared footway/cycleway, for two-way passage, of approximately 2.0 metres (using standard kerbs) with no allowance for the clearance required from the bridge wall. Two cyclists would not be able to pass each other; and the ability for a cyclist to pass a single pedestrian (taking account of the 0.5 metres buffer and the 1.0 metres dynamic envelope of a cyclist) would be marginal.^[2.170(i), 3.166, 3.168(c)(d), 3.169, 5.94, 7.8, 7.13]
- 9.205 Given that cyclists on commuter routes (for example into Berryfields, Aylesbury Vale Parkway station or Aylesbury), or indeed those commuting in the opposite direction into Fleet Marston, tend to travel with a distinct purpose (particularly for onward rail travel) the potential exists for conflict between users under or in the vicinity of the bridge. Similarly, pedestrians walking to the railway station (albeit choosing to walk as opposed to using the proposed bus services) may have their own needs in mind rather than those of cyclists.^[5.66(i)]
- 9.206 Although the need to slow, or indeed to wait, may only amount to a minor delay, some would regard this to be a source of frustration, particularly if it occurred on a frequent basis, and a drawback of the journey. The route has the potential for, and the anticipation of, considerable use by cyclists and pedestrians as part of the aim to draw people away from their cars.
- 9.207 Such users would include secondary school pupils attending Berryfields; those living in the Saint Mary's part of the site might find either walking or cycling to be attractive and those further away might have a greater inclination to cycle. There may also be primary school children, some accompanied by adults and perhaps with younger siblings, if some school places were to be provided in Berryfields.
- 9.208 The characteristic lack of urgency often observed for these journeys, and the tendency to be part of a group, is a particular factor to be borne in mind. Whilst such movements would not coincide with main commuter flows, and movement would tend to be concentrated in a single direction, the potential for conflict between cyclists and pedestrians cannot be discounted. Moreover, being held up behind a dawdling group for the entire passage under the bridge would delay onward movement by several seconds.^[2.170(e)]
- 9.209 With this in mind, the safety of those on foot or cycle cannot be ignored as the constrained width could lead to accidents involving these users. Additionally, the outcome of a pedestrians stepping off the footway into the road, or cyclists taking similar action, would be particularly hazardous in the direction of Aylesbury, with oncoming traffic behind and out of direct vision, of the person concerned. Although, a safety kerb system could be deployed as a counter, such provision would place its own demands on space and would reduce either footway or road width.^[2.171]

- 9.210 With limited width in the vicinity of the bridge and the potential for being held-up, there is clear anticipation that some cyclists, particularly the more experienced and those with a tendency to travel at higher speeds, would be inclined to travel on the road, despite express provision being absent within the carriageway and notwithstanding the volume of traffic. In this way the cyclist would be able to maintain momentum and progress and any slowing of following vehicular traffic would be of secondary consequence. ^[2.170(d), 3.165]
- 9.211 Current highways guidance calls for flexibility; and Buckinghamshire County Council is satisfied that an appropriate, and safe, scheme could be devised. However, the challenges here are considerable in that the A41 carries a significant volume of traffic, including heavy goods vehicles, which places its own demands on highway design; Fleet Marston itself would generate additional traffic movements; and a considerable number of journeys on foot or cycle are to be expected.
- 9.212 There is no convincing evaluation to support the general misgivings about the principle of having a single route connection in the direction of Aylesbury, and it is acknowledged that railway bridges (and sometimes other factors) provide impediments along a route. However, in the case of Fleet Marston the potential constriction of the bridge would occur at the very point of connection between the proposed urban extension and the existing built-up area and at a highly critical location in that the majority of pedestrian and cyclist movements out of Fleet Marston would be in the direction of Aylesbury. ^[2.169, 3.147, 3.198, 4.218-4.219, 5.66(f), 7.5]
- 9.213 Guidance acknowledges that it might not always be possible to meet the minimum recommendations for shared use routes, for pedestrians and cyclists, as a whole; but this is against the aim, generally, to provide more than the minimum regardless of flow rates in order to provide a high level of service to pedestrians and cyclists.
- 9.214 At Fleet Marston, particularly in the morning peak hours, the flow rates can be expected to be considerably in excess of a '*lightly used route*' with a high probability of two users encountering each other. Even if such occurrences were limited to those travelling in the same direction, for example in the case of a cyclist coming up behind one or more pedestrians, the delay and frustration for the former and an element of unease for the latter would, nonetheless, represent a significant disadvantage. ^[2.170(f), 7.11]
- 9.215 It is said that footway and cycle provision, where there is currently none, would be an advantage. However, without a significant resident population, and the distance between the sporadic dwellings and the facilities of Berryfields and Aylesbury, walking and cycling is likely to be very limited and the benefit would be minimal. This has to be set alongside the justifiable expectation that Fleet Marston would provide high quality pedestrian and cycle facilities to encourage walking and cycling as part of its sustainability credentials. ^[3.163]
- 9.216 There is no suggestion of the pinch point representing a constraint on the capacity of the shared surface, and it is to be noted that flows would be less than those which have been referred to (in superseded guidance) as

operating safely. However, whilst flows are relevant, a critical factor is whether the route would be '*uncomfortable*' to use; with comfort being influenced by the ratio of pedestrians to cyclists, the type of journeys and the extent to which people walk in groups. The shared use guidance acknowledges that insufficient width tends to reduce user comfort.^[2.171(b), 5.91]

- 9.217 The underlying principle at Fleet Marston is to design and provide high quality infrastructure to promote walking, cycling and use of public transport. The constraint of the railway bridge calls for express consideration and an individual site specific solution founded on flexibility in that the available width under the bridge over the A41 precludes full compliance with recommended design guidelines.
- 9.218 The illustrations before the Inquiry are simply to be taken as indicative of the potential constraints in that neither Barwood nor Buckinghamshire County Council has produced a scheme design; but the clear inference is that the highway authority would be prepared to accept a single, pedestrian and cycle shared-use route with a minimum width of 2.0 metres under the bridge.^[7.12-7.13]
- 9.219 Whatever the design solution that is ultimately promoted the outcome would inevitably be far from ideal in that the bridge, and the tapers each side, would undermine the importance that should be attached to creating a high quality link for pedestrians and cyclists as part of the design concept for the proposed urban extension. Potential conflict between pedestrians and cyclists and the immediate proximity of a busy road, even in a '*civilised*' form, would be an inherent drawback.^[2.172, 3.164, 7.4]
- 9.220 Despite the mutual optimism of Barwood and the County Council, and acknowledgement that safety issues would need to be addressed through design and audit, the reality is likely to be an overall impression of pedestrians and cyclists being relegated to the needs of motor traffic with insufficient regard for their comfort and convenience. As such the admitted '*sub-optimal*' connection would run the risk of fettering the sustainable objectives which Fleet Marston seeks to portray.^[2.172- 2.173, 3.192, 5.95, 5.100, 7.6, 7.14]

Bus services and the planning obligation

- 9.221 A key element of the transport sustainability of Fleet Marston would be the intention to provide two additional bus routes offering a ten-minute frequency to and from Aylesbury town centre and an half-hourly service which would provide a link to Waddesdon, Aylesbury Vale Parkway station and a number of other '*public*' destinations in and around Aylesbury (day-times excluding Sundays).^[3.160, 5.97]
- 9.222 However, the objective of funding two bus services at the level stated, which was maintained in Barwood's closing submissions, has an element of mystification. Firstly, in terms of the '*challenge*' mounted by Hallam about the prospect of providing two services, none of the assumptions underpinning its assessment of viability (requiring a contribution of £1,400,000) were disputed. The only counter was that the adequacy of the sum offered was, after independent review (and uplift from £915,000 to £1,066,000), acceptable to the County Council.^[3.160-3.161, 5.97-5.98]

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- 9.223 Although the inference is that greater weight should attach to the views of the County Council in its role of consultee to the local planning authority, the factors leading to the materially different assessments of viability are not apparent. In this regard, it is explicit that Hallam's exercise relates to the level of provision proposed by Barwood, whereas the overall conclusion of the County Council is the sufficiency of the fund to provide viable bus provision.
- 9.224 Secondly, in terms of the planning obligation between Barwood and Buckinghamshire County Council, the Statement of Common Ground between the parties, dated 31 October 2012, confirms that as part of the draft heads of terms to be incorporated into a planning obligation public transport improvements, in the form of two new bus services, had been offered.
- 9.225 The subsequent draft agreement, dated 19 July 2013, set out four equal contributions, triggered by defined numbers of dwellings, in the total sum of £915,000. Ostensibly, this was to provide the bus services/frequencies set out above; albeit the proposed services were identified as '*and/or*' and a further clause, again prefaced by '*or*', made provision for '*such other bus service or services*'.
- 9.226 The planning obligation entered into following the Inquiry is similarly elusive about what services would be provided; and the earlier defined frequencies have been erased in favour of '*at frequencies as may be agreed*'. Whilst the lack of precision might be explained by the need for bus provision to increase incrementally with the growth of the urban extension and also to maintain flexibility to reflect patterns of use and review through the travel plan, the commitment to the anticipated level of provision and frequency is not explicit.
- 9.227 Although the concluded obligation has increased the level of funding from the earlier draft, providing for revised triggers and three financial contributions in the overall sum of £1,066,000, this does not add any clarity as to the nature and level of service which might be provided.
- 9.228 The important point which emerges is that the planning obligation, whilst maintaining understandable flexibility, does not guarantee to deliver the two bus services which represent a cornerstone of the transportation strategy and its fundamental contribution towards sustainability in achieving anticipated public transport patronage and modal shift with their attendant wider benefits.^[4.224]

Congestion:- Parkway roundabout

- 9.229 The consideration of sustainability raised a further matter relating to the potential for congestion and queuing, at peak hours, on the A41 at its roundabout junction with Berryfields and Aylesbury Vale Parkway station based on modelling using ARCADY software (Assessment of Roundabout Capacity And Delay). However, TRANSYT software (TRAffic Network Study Tool), endorsed by Buckinghamshire County Council, is less pessimistic. There is also the further matter of the assessment, at 2020, preceding the anticipated completion of the proposed development.

- 9.230 Inevitably, modelling involves an element of professional judgement and, even though Barwood's expert witness acknowledged the use of ARCADY as preferable for assessing traffic flows at roundabouts, no such request had been made by the County Council. At the same time Hampden Field's expert accepted that Barwood had undertaken a lengthy process of engagement with the highway authority and that there had been very full consideration of traffic impacts.^[4.213-4.217]
- 9.231 Overall, given the nature and limited scope of the point raised, there is insufficient evidence to indicate that the professional judgement of the County Council's highways advisors was materially flawed by the assessment process.

Summary conclusion

- 9.232 The starting point is to acknowledge the sustainable credentials of an urban extension with employment and supporting facilities for the new community, and the substantial benefits accruing from off-site highway works, in light of the three strands of sustainable development.
- 9.233 However, there are two elements which call into question these aspects of sustainable design and related benefits. The first is the limited width of the railway bridge over the A41 which results in a significant constraint to achieving a high quality route for pedestrians and cyclists in the direction of Aylesbury and the adverse impact that this is likely to have on sustainable travel patterns.
- 9.234 The second is the extent to which bus provision would be provided and whether that is capable of being realised and operated viably in the manner advocated by Barwood. The balance of the evidence suggests that such provision might be optimistic; and it is not guaranteed by the terms of the planning obligation. Nonetheless, the sum of money proffered is substantial and the County Council is content that viable provision, in a manner to be determined, could be secured. However, it is impossible to quantify and the degree of uncertainty undermines the weight to be attached to this aspect of the public transport offer.
- 9.235 In combination these latter two factors, which go to the heart of achieving travel by sustainable modes, outweigh the important benefits which would otherwise have been realised by the project and undermine the expressed vision of creating a connected, sustainable urban extension. This is a further negative factor to be carried into the overall planning balance.

FLEET MARSTON

The fourth main consideration: the effects of the HS2 proposals

- 9.236 At the start of the Inquiry this matter was defined as whether the proposal would conflict with the government's objective to build part of the High Speed 2 (HS2) railway route through part of the appeal site.^[1.66D, 7.15]
- 9.237 It became apparent at an early stage that Barwood could, in principle, accommodate the needs of HS2 Ltd within the land available without any material impact on the provision of green infrastructure and the delivery of the overall masterplan.^[3.172 – 3.173]

- 9.238 Whilst changes might be needed to the positioning of playing fields within the green infrastructure, it is relevant to note that the masterplan is illustrative and reserved matters would in any event require a more detailed layout of the proposed facilities. In addition, the appropriate timing of the development adjacent to the route could be secured through a phasing plan secured by a planning condition. ^[4.221]
- 9.239 If HS2 proceeds the landscape of Fleet Marston would undoubtedly change with the introduction of a third transport corridor along the vale floor, compounded by a degree of elevation and, in turn, the raising of the A41 at the western end of Fleet Marston to cross over the railway. Although it can be inferred that there would be likely adverse impacts on the character and appearance of the landscape, which might make it less sensitive and increase its ability to accommodate Fleet Marston, there is no detailed assessment to support this proposition. ^[2.174-2.176, 4.220, 7.16-7.20]
- 9.240 Moreover, even if that were the case, the nature and scale of additional noise mitigation works to reflect the nearer presence of homes and recreation facilities at Fleet Marston could have a further impact on the landscape and it would be necessary to consider those cumulative effects. ^[5.66(e)]
- 9.241 Towards the close of the Inquiry the introduction of the Hybrid Bill for Phase 1 of HS2 was given its first reading in the House of Commons. As a consequence the Council sought to introduce further information into the Inquiry. However, Barwood would have had insufficient time to address this evidence and that material will have been made available to the Secretary of State following the close of the Inquiry.

Summary conclusion

- 9.242 In summary, there is nothing to suggest that the development of Fleet Marston would impede the proposals for HS2; and, on the basis of known information, Barwood could accommodate the needs of HS2 Ltd without any material impacts on its project given that the masterplan is illustrative.
- 9.243 In this report the assessment of the impacts of the Fleet Marston development has been made on the basis of the evidence available and it has not been possible to provide any consideration, beyond those outlined above, on the likely effects of HS2. As such the proposals for HS2 neither add support to, nor undermine, the Fleet Marston proposals.

FLEET MARSTON

The fifth main consideration: conditions and obligations

Conditions

- 9.244 The scope and justification for the draft conditions are summarised in the respective cases for the Council and Barwood; and set out in full, with reasons, in Annex D(i) to this report (which includes alternative Barwood and District Council versions for some of the conditions); and there are references to specific conditions, where relevant to the consideration of an earlier main consideration, in my preceding conclusions above. The conditions are to be considered in light of the advice in the Planning Practice Guidance. ^[3.174]

- 9.245 The merits of the conditions are discussed below and thereafter set out as a comprehensive list of conditions (in Annex D(ii)) to be imposed if the Secretary of State decides to allow the appeal and to grant planning permission.
- 9.246 **Conditions 1 and 2** are agreed by the parties; and both meet the relevant tests in terms of identifying the drawings to which the permission relates and the maximum number of dwellings to be built. Given the scale of the development, and to meet the requirements of HS2 Ltd, agreement on phasing, through **Condition 3**, is appropriate subject to minor redrafting.
- 9.247 **Conditions 4 – 6** are needed to define the various components of the phasing plan required by the preceding condition. The reference to later conditions, in **Condition 4**, as advocated by the Council, would provide ease of reference to subsequent related requirements. Details of the refurbishment of Saint Mary's church should be omitted, for the general reasons set out earlier in paragraph 9.184 above, not least due to imprecision in the term '*refurbishment*' when set alongside draft conditions 23 and 24 which refer to repair and renovation.
- 9.248 The reference, again in **Condition 4**, to green infrastructure by type, with the addition of '*Fleet Meadows*', would be a logical addition to the agreed list of other open space uses; but for simplicity none of the list is necessary as the term '*green infrastructure*', related to the parameters plan, would embrace all elements of the open space proposals.
- 9.249 The details within the phasing plan, including the sequence of the phases and the provision of facilities, are an essential prerequisite to ensure that the new homes are supported by appropriate infrastructure and facilities. The alternative drafts for **Condition 5** offer the provision of infrastructure and facilities to be triggered either on the percentage or actual numbers of dwellings occupied.^[2.183-2.184, 2.189(a), 3.184 (e)(f)]
- 9.250 The former would limit the maximum number of dwellings for each phase, but it would also allow for the possibility of phases proceeding in tandem with the percentage occupied related to the completion of the community infrastructure and facilities in the immediately preceding phase. Without knowledge of the actual phasing, in terms of the number of dwellings in each phase, the number of concurrent phases and how those relate to facilities to serve the entire community, the percentage approach lacks clarity. By contrast, the numerical formula would offer precision.
- 9.251 However, the triggers have not been negotiated; nor have they been explained. In these circumstances, without details of phasing arrangements and consideration of viability, by way of example, it would be unreasonable to accept such unsubstantiated milestones.
- 9.252 As to the inclusion of a means of securing the provision of serviced employment land, the availability of such sites would be an important component of a sustainable urban extension, with opportunities for living and working within the new community. Again the chosen figure is not supported. In such circumstances the condition as a whole would need to be drafted in more general terms.^[2.189(b)]

- 9.253 **Conditions 6 and 7** are not controversial; the former is part of the suite of conditions related to phasing and the latter, requiring a design code for the development, is necessary to deliver high quality development.
- 9.254 The list of conditions provided by the appellant does not cater for the submission of details forming part of the reserved matters; this would be rectified through the imposition of **Condition 8** as a progression of the original numbering.
- 9.255 The subsequent reserved matter requirements, in renumbered **Conditions 9 – 12**, are common ground and justified by reference to the Town and Country Planning Act 1990.
- 9.256 In terms of the insertions sought by the Council, in **Condition 13** (set out in draft condition 12), there is no need to qualify 'roads' with 'estate' as that is implicit and the requirement 'to adoptable standards' is unnecessary as the overall specification is included within the matters to be approved and there may well be overlap with the provisions of section 278 of the Highways Act 1980. Similarly, the insertion of 'and details of any SUDs measures' would duplicate the details required under **Condition 22c** (renumbered).
- 9.257 In addition, clarification of draft condition 12(d), (e) and (f) through draft condition 13, by reference to current publications for the provision of public open space, allotments and design of play facilities, lacks precision in its preface 'shall broadly accord with'; and the content of the documents could change over time or be succeeded by later publications.
- 9.258 Moreover, the earlier condition makes provision for the local planning authority to agree details of the design and layout of the various facilities to be provided; and **Condition 7(e) and (f)** requires agreement on a Design Code for the public realm and sports and leisure provision. The additional condition is therefore unnecessary.
- 9.259 The unnumbered landscaping condition, to be listed as **Condition 14**, is essential to secure good design and place-making.
- 9.260 **Condition 15**, is key to the protection of trees within the site; and **Condition 16**, requiring works to be undertaken in accordance with an approved Construction Environmental Management Plan, would represent good practice for a major development site.
- 9.261 It is agreed that a Green Infrastructure Management and Maintenance Strategy is required by **Condition 17**, to ensure that essential facilities for the community are managed and maintained in perpetuity; with such condition to be read in conjunction with schedule 2 of the unilateral undertaking.
- 9.262 Paragraphs 1 and 2 of the schedule require: -
'That from the date of Practical Completion of any element of the Green Infrastructure provided following approval of Reserved Matters in any Phase they shall from that date and thereafter manage and maintain that element of Green Infrastructure.'

That from the date of Commencement of any Phase containing an element of Green Infrastructure they shall provide a Bond or PCG firstly in relation to the cost of provision and secondly in relation to the cost of management and maintenance for a period of 10 years of that element of Green Infrastructure such cost of provision and management and maintenance to be approved pursuant to a Condition'.

- 9.263 That condition, as drafted by Barwood, requires the submission of a strategy to include details of the responsible management body and management scheme, including the costs of providing and maintaining the green infrastructure, and related maintenance schedules.
- 9.264 The Council's preference is for the submission of a strategy which would provide details of the responsible management body and management scheme with specific reference to how the body is to be established, the levy or management charge and how it is to be operated and managed; and related maintenance schedules which would include any associated buildings. The condition would also include reference to management and maintenance within all phases covering a period of up to 25 years or until completion of the development (whichever is the later).
- 9.265 Reverting to the undertaking a 'Management Body' is defined as:
'a parish council or a company formed by or appointed by the Owners and the Developer in relation to the future management and maintenance of all parts of the Green Infrastructure in accordance with the Management Scheme and/or all or part of the Community Facilities and/or other facilities forming part of the Development'.
- 9.266 In turn, 'Management Scheme' is set out as:-
'a scheme for the management and maintenance of Green Infrastructure which shall include (but shall not be limited to) arrangements for; management and maintenance of the Green Infrastructure; the levy of a regular amount from the owners and/or occupiers of buildings in the development calculated to fund the management and maintenance of the Green Infrastructure; a requirement to collect the levy and apply the proceeds to the management and maintenance of the Green Infrastructure, and for the management and maintenance of the Community Facility such scheme to be approved pursuant to a Condition'.
- 9.267 Given the contents of the undertaking, the more specific condition proposed by the Council, in so far as it relates to the levy or management charge, would involve a measure of duplication. However, the 'preamble' to Barwood's condition includes superfluous elements and that suggested by the Council would be preferable. In addition, the explicit time-scale and the inclusion of 'associated buildings' from the Council's draft removes any potential for doubt.
- 9.268 Moving on to **Condition 18**, the submission and approval of an Ecology Management Plan, and its subsequent implementation, is necessary to minimise impacts on biodiversity. The Council's criticism of the absence of any provision for a bond or parent company guarantee, through the planning obligation, to enable the authority to take responsibility in default

appears inconsistent with the agreement entered into with the Consortium in that no equivalent provision exists (other than a commuted sum for future maintenance). The same inconsistency is evident in relation to waste management (draft condition 36).^[2.190]

- 9.269 The drainage and flooding requirements, set out in **Conditions 19 – 23**, are intended to ensure that the development is undertaken in accordance with the approved Flood Risk Statement, to avoid floodplain areas and to prevent the increased risk of flooding elsewhere. The referencing of the lead document in the second of this group of conditions would be better related to the first of those conditions.
- 9.270 In terms of the two proposed conditions relating to Saint Mary's church these should not be imposed for the reasons already given in paragraphs 9.174 – 9.184 above. However, in the event of any works to, or within the vicinity of, the church, **Conditions 24 and 25** would secure the protection of identified archaeological areas.
- 9.271 Turning to sustainability, **Condition 26** provides for a reasonable element of decentralised, renewable or low carbon energy sources. Similarly, in **Condition 27**, the achievement of BREEAM (Building Research Establishment Environmental Assessment Method) 'very good' would ensure that the development provided for sustainable design and construction.
- 9.272 The addition of Level 3 of the Code for Sustainable Homes, as advocated by the Council, would create overlap and would be onerous. However, as the Code was introduced with the intention of it acting as a single national standard, underpinned by the Building Regulations, its use would reflect the government's objective of securing the construction of sustainable homes. Given the specific applicability of the Code to domestic buildings, BREEAM would remain the relevant standard for non-residential buildings.
- 9.273 Although both Barwood and the Council propose common wording requiring compliance certificates to be provided to the local planning authority on issue, such an arrangement lacks precision which could be remedied by requiring the relevant paper work to be provided before the building to which it relates is occupied.
- 9.274 **Conditions 28 and 29**, relating to the local retail and commercial centres and employment uses, are crucial to the delivery of a mixed-use development.
- 9.275 As to the community facility, necessarily provided for in **Condition 30**, the first area of dispute is whether its floor space should be set at 1,300 square metres or up to that figure. Again, there is overlap with the unilateral undertaking in schedule 3. In the deed the 'Community Facility' is described as: -

'the community building described in the Application of up to 1,300 sq m to be detailed in the Reserved Matters in accordance with the specification in Annex 2 to include multi functional space which shall include the Sports Hall and which may include an interpretation centre and/or a Children's Centre and/or the Police Services facility'

- 9.276 The relevant annex states that the *'building floor space will not exceed 1,300 sq m for community and leisure use as outlined in the Design and Access Statement'*. The latter quantifies the floor space as 1,300 square metres (paragraph 0.11).
- 9.277 It is not clear how the original figure of 1,300 square metres was determined in the making of the application, albeit the same floor area and constituent elements, in general, are repeated in Appendix 5 of the Consortium's planning obligation with the Council. The ninth schedule of that obligation makes provision for a community building in accordance with a scheme to be approved by the Council; but it does not make any prescriptive provision for its floor space. ^[2.185(d), 3.182]
- 9.278 Returning to Fleet Marston, given the uncertainty about some of the elements that might be included within the building, and the approximate room sizes within the specification, it would be prudent to avoid stipulating an exact floor area. Moreover, the terms of the condition would allow the precise floor area to be determined related to the uses to be accommodated. However, rather than expressing the limitation as *'up to'* it would be preferable to place an upper limit on the floorspace as *'not exceeding 1,300 square metres'*, which would be more consistent with the application description.
- 9.279 A further link between the condition and the relevant schedule relates to the timing of the reserved matters application with the schedule linking submission to the phase in which the facility would be situated. However, the condition is perfectly clear that an overall phasing plan for the project as a whole needs to be approved before any development commences; and it would take precedence over the undertaking. ^[2.185(a)(b)]
- 9.280 The second area of dispute relates to the management and future maintenance of the community facility and the relationship between the proposed condition and the covenant given by the owners and developer. In this regard the relevant extracts from schedule 3 in the undertaking provide: -
- 'To provide the Bond or PCG in respect of the Community Facility firstly in relation to the cost of provision and secondly in relation to the cost of management and maintenance for a period of 10 years before Commencement of the Dwellings in the relevant Phase such cost of provision and management and maintenance to be approved pursuant to a Condition.*
- From the date of Practical Completion of the Community Facility to manage and maintain the Community Facility unless and until the Community Facility is transferred to a Management Body.*
- The Owners and Developers may in their discretion at any time after Practical Completion of the Community Facility; and approval of a Management Body pursuant to a Condition serve notice upon the Council to notify that management and maintenance of the Community Facility is to be carried out by such Management Body'. ^[3.184(d)]*

9.281 For ease of comparison the condition reads: -

'..... details of the facility's design and use(s), any management body responsible for its future maintenance and management, together with the associated management arrangements, (including the costs of providing the Community Facility) shall be submitted to and approved in writing by the Local Planning Authority. The building shall thereafter be built in accordance with the approved details'.

9.282 It can be seen that the condition provides for the local planning authority to approve the make-up of the management body; but there is no mechanism to ensure that any changes to that body are sanctioned by the Council or that the arrangements would continue in perpetuity.^[2.185(e)]

9.283 Switching to the undertaking, the initial management of the facility would fall to the owners and developer, but it is not clear whether this would be a 'Management Body' within the definition in the deed, namely 'a parish council or a company formed by or appointed by the Owners and the Developer'; or within the scope of the condition requiring agreement of its constitution.

9.284 The inference is that it would not as schedule 3 provides for transfer from those originally responsible to a 'Management Body' as defined. Whilst it might be anticipated that the owner and developer would wish to transfer responsibilities to an appropriate body as soon as practical, no formal mechanism or time-scale is provided by the condition or the undertaking. This element of the condition is vague.

9.285 Similarly, having established a Management Body approved by the Council, there is nothing within the condition which would preclude future alternative arrangements without the sanction of the local planning authority. In this regard, going back to the deed, and the definition of 'Management Body' and reference to 'Management Scheme', the latter includes '*..... the management and maintenance of the Community Facility such scheme to be approved pursuant to a Condition'.* This adds weight to the assessment that once approved there would be no mechanism available to prevent future changes.

9.286 A further criticism made about schedule 3 relates to the matter of 'Practical Completion' and the issue of an appropriate certificate by an Architect rather than the local planning authority. However, the point of practical completion, as defined, leaves little to doubt in that the building or land must be capable of use for its intended purpose. That professional judgement could, appropriately, be the remit of an Architect.^[2.185(a)(f), 2.186]

9.287 The condition also provides for the approval of the costs of providing the community facility which would be the means by which the surety bond or guarantee would be determined. However, unlike the condition applicable to the green infrastructure, no provision is made for the amount to be determined for its management and maintenance despite the clear intent of schedule 3 of the planning obligation. The logical solution would be to incorporate this within the planning condition.^[2.185(c)]

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- 9.288 I have therefore redrafted the condition, without reference to the parties, in order to address these deficiencies. The required scheme also includes a mechanism to ensure that the facility is made available for use. For clarity, the provision of the facility in accordance with a scheme, to be submitted and approved, is catered for in **Condition 30**; and the arrangements for management and maintenance are transferred to a separate **Condition 31**.
- 9.289 Moving on to affordable housing, **Conditions 32 and 33** confer affordable housing provision at a minimum of 17% and a maximum of 35% in any phase, which, other than the first phase, is to be determined by a viability appraisal endorsed by the Council; and, for each phase containing residential dwellings, no more than 75% of the market dwellings are to be occupied until the affordable housing within that phase have been completed.^[2.195(a)]
- 9.290 The minimum level anticipated could be provided in the first phase with impunity which would be below the 20% floor anticipated in Policy GP.2 of the Aylesbury Vale District Local Plan (35% is to be sought in Affordable Housing Supplementary Planning Document: November 2007 (AV.1.3)) and against the significant identified need for affordable housing provision within the district.^[3.39, 3.197]
- 9.291 Given the potential for changes in the economic climate and the housing market at a more immediate date to the development of the site, variation in construction costs and the mix of dwellings within a phase, it would be prudent to require a viability re-assessment of the first phase, in order to determine whether increased provision could have been made, with a view to carrying any top-up into phase 2.^[2.195(b)]
- 9.292 The same principle should apply to successive stages with viability being determined on a phase by phase basis. However, in the event of the exercise for the final phase showing a level above 35%, and, as in the case of Hampden Fields, generating a financial contribution for off-site provision, such an arrangement could not be secured by condition in that it would involve the payment of monies.^[4.223]
- 9.293 Looking next at the proposed threshold whereby no more than 75% of the market dwellings could be occupied before the affordable homes are provided, the point at issue is whether the latter should be available at an earlier stage. No specific formula has been identified and it is to be noted that the agreements with the Consortium and Hallam differ.
- 9.294 In this regard, for the former, no more than 50% of the market housing in a development parcel is to be completed before the affordable units are available; and, for Hallam, the commitment of 50% is against the availability of the same percentage of affordable homes with a subsequent threshold of 80% related to the availability of all of the affordable units within any phase (or sub-phase).
- 9.295 Bearing in mind that the obligations entered into by the Consortium and Hallam would have been voluntary, and related to the specific circumstances of their respective sites, it would not be right to impose either of those formulae, or any other figure, on Barwood in the absence of contrary evidence and justification provided by the Council.

- 9.296 Added authority for this assessment flows from the Affordable Housing Supplementary Document which makes no stipulation for the relative build rates within a phase and, in anticipating that this will be controlled by a section 106 agreement, conforms that *'the Council will agree the proportion of market housing that can be occupied before the affordable housing is completed'*.
- 9.297 The next elements of the affordable housing conditions relate to ownership and occupation. In short, a list of registered providers and the eligibility criteria as part of the choice based lettings scheme are to be agreed. The planning undertaking provides further understanding, and some unavoidable duplication with the conditions which could have been avoided had the deed been by agreement. Accordingly, **Conditions 34 and 35** are necessary.
- 9.298 A final criticism, by the Council, of the affordable housing conditions is the absence of any mechanism to ensure that the units would be provided in a manner which would create mixed and balanced communities. However, Condition 13(i) requires the location and mix of affordable housing to be agreed as part of the reserved matters submissions. ^[2.195(c)]
- 9.299 **Condition 36** relates to the management of waste; and **Condition 37** requires agreement on the finished floor levels of all buildings and associated hard surfaces. These are necessary to provide a satisfactory form of development and to reflect policy objectives.
- 9.300 **Conditions 38 - 40** properly relate to the provision of travel plans, access and the highway works on the A41 within the vicinity of the existing railway over bridge. Condition 41, set out in the original schedule, has become superfluous in light of the planning agreement with Buckinghamshire County Council which secures the submission and approval of a Highways Works Delivery Plan prior to the commencement of the development and the subsequent implementation of the works. ^[2.196-2.197]
- 9.301 A parking strategy is a necessary prerequisite to be secured by **Condition 41**, although there is no need to refer to published *'..... parking guidelines or such other policy or guide*' as it would be incumbent on the local planning authority to take all material considerations, at the date when such details are submitted, into account.
- 9.302 The provision of high speed broadband, reflecting National Planning Policy Guidance, is set out in **Condition 42** which should be expanded to include a time table for implementation.
- 9.303 Finally, in terms of the marketing strategy, the point at issue is whether **Condition 43** should specify the minimum period during which marketing should occur. Given that the marketing strategies are to be approved and that the period of marketing is likely to be influenced by external factors, including the prevailing economic climate and the nature and intensity of the marketing exercises, the imposition of a minimum period without full knowledge of the strategy would be premature and thus unreasonable. ^[2.187]

**Unilateral undertaking:
Barwood and others to Aylesbury Vale District Council**

The contents of the undertaking

- 9.304 The deed of unilateral undertaking was made on 6 December 2013 following the break down in negotiations necessary to conclude an agreement under section 106 of the Town and Country Planning Act 1990. [2.198, 3.183]
- 9.305 The earliest draft of the then intended agreement presented to the Inquiry (16 August 2013) identifies Land Registry titles BM308025 and BM308049. These are included in the executed deed.
- 9.306 The Council's related comments to Barwood, concerning potential mortgagee involvement and the various Hunter's ownerships, resulted in confirmation that the matters would be checked. There is no further correspondence on these points before the Inquiry. However, in the final deed John Hunter and Anne Hunter are listed as *'the registered holders of the freehold land*'; and the Council's various points about ownership have seemingly been met. [2.198(a)-(c)(e)]
- 9.307 As an aside, it is apparent from the agreement with Buckinghamshire County Council (dated 18 December 2013) that title BM308049 is now comprised in BM385171 (see coloured Plan 1 Appended to BL1.97).
- 9.308 In terms of recital 6, the date of the promotion agreement remains absent; however, there is nothing to suggest that is crucial to the validity of the deed (and the agreement with Buckinghamshire County Council is similarly silent). Although there is no definition of *'The Obligations'*, it is sufficiently clear that they relate to those contained within the deed. [2.198(d)(f)]
- 9.309 Looking at *'Legal Effect'*, and clause 4.8.1, the deed is unusual in its construction in that no reference is made to the continuing obligations on future owners, occupiers, tenants or mortgagees. In this regard, it would appear, for example, that the occupation of an affordable housing unit as affordable housing (save for exceptions relating to the acquisition of 100% equity in a shared ownership property or the exercise of the right to buy) would not have ongoing scope for enforcement. The deed is deficient in this important regard. [2.198(g)]
- 9.310 Moving on to clause 5.2, the undertaking to observe and perform the obligations, covenants and other provisions within the schedules to the deed, but not the deed itself (for example clause 10.1 – the monitoring charge), offers scope for ambiguity. Hence, it would have been preferable for the undertaking to have been drafted in manner which would have made the deed and the schedules thereto to become operative from the commencement of development. [2.198(h)]
- 9.311 Turning to clause 5.3.1, again there is potential for uncertainty in relation to *'dwellings'*. However, a reasonable interpretation would be that the word embraces both market and affordable housing having regard to the *'Definitions and Interpretations'* which defines *'dwelling'* as *'a unit of residential accommodation'*. The submission of returns every four months runs counter to the convention of quarterly returns, but the Council has not said why the tri-annual record of completions would create insurmountable difficulties. [2.198(i)]

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- 9.312 Clause 9 provides for the automatic modification to the deed, in the event of, for example, the introduction of a charging schedule under the Community Infrastructure Levy Regulations 2010 (it is noted that a similar clause is in the agreement with Buckinghamshire County Council).^[2.198(j)]
- 9.313 Guidance on the operation of the levy, if introduced, is set out in Planning Practice Guidance with a clear expression that developers should not pay twice for the same item of infrastructure. Moreover, there are provisions (under section 106A of the Act) for applications to be made to change or discharge an obligation. Whilst Barwood seeks, unilaterally, to ensure that it is not penalised in the event of a new charging regime, express safeguards are contained in legislation and guidance.
- 9.314 Looking next at the monitoring charge, in clause 10, the undertaking makes provision for an annual monitoring payment in favour of the Council in the sum of £3,000 to cover the authority's costs in administering and monitoring the obligations contained within the deed. Although the Council seeks equity with the terms of other obligations (£5,000 annually), there is no explanation for the calculation of the sum sought. Similarly, there is nothing to show how Barwood has determined its offer.^[2.198(k), 3.184(b)]
- 9.315 Whilst it is notable that Barwood has agreed to pay an annual contribution of £5,000 towards Buckinghamshire County Council's costs in the parallel planning agreement, the onus nonetheless rests with the local planning authority to justify its stance and this has not been discharged.^[3.185(b)]
- 9.316 The affordable housing obligation ensures that such units would be used for their specified purpose, unless a tenant exercises the right to buy or achieves 100% equity. However, schedule 1, paragraph 6, does not make any provision for the funds realised to be reinvested in the provision of affordable housing so as to maintain the level of the affordable housing stock. The undertaking is unsatisfactory in this regard.^[2.198(l), 3.184(b)]
- 9.317 As to the green infrastructure obligation, schedule 2, paragraph 1, triggers a management and maintenance responsibility at a specified point. The obligation needs to be read with recommended Condition 17, which requires the submission and approval of the details of the future management and maintenance of all elements of the green infrastructure (including maintenance schedules) and for the development to be managed and maintained in accordance with the approved strategy. The safeguard which the Council seeks would thus be provided by the planning condition.^[2.198(m), 3.184(c)]
- 9.318 As to the health centre, described as being capable of accommodating nine General Practitioners, schedule 4 requires the facility to be marketed, in accordance with an agreed marketing strategy pursuant to a condition of the planning permission, for a period of twelve months following the commencement of the phase in which the centre would be located. Although the period prescribed presupposes one of the elements of the marketing strategy, namely the period of marketing, which is to be agreed, any longer period required by the operative condition would take precedence.^[2.187(a), 3.184(e)]
- 9.319 Similarly, schedule 5, relating to the railway station site seeks to limit the period of marketing. However, like the health centre, that is to be appropriately determined by planning condition.^[2.187(a)(b), 3.184(f)]
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- 9.320 Schedule 7 relates to the parent company guarantee and bond in the form of, or substantially in the form of, the models set out in Parts 1 and 2 of Annex 1. In the model guarantee the parties to the deed guarantee the performance of the obligations *'in the amount of the Secured Amount'* which is defined as *'the sum of the cost of performance of the Obligations and contributions*'. The model bond lists the parties as the owner, developer and a surety (defined as *'a financial institution whose net assets are at least five times the value of the secured amount*') who would be bound to the Council in payment of an undefined financial sum. ^[3.184(h)]
- 9.321 Although that sum would be determined through conditions relating to agreement on the cost of providing the green infrastructure and the community facility, schedule 7 does not make any express reference to the health centre and there is no parallel condition. However, schedule 4 commits the owners and the developer to provide a bond or guarantee subject to entering into a transfer or lease with a health service provider; but, there is no apparent mechanism for agreement on the sum to be guaranteed, and, in the event of default there could be inadequate funds to meet this obligation. ^[2.188(a)]
- 9.322 As to the cessation of the guarantee or bond, this would only become effective on the transfer of the green infrastructure and the community facility to a management body (and not at the earlier stage of practical completion). The management body would be a parish council, or a company to be formed for that purpose, and Conditions 17 and 31 would provide the mechanism for the Council to agree a management scheme for those facilities. ^[2.188(b)(c)]
- 9.323 In terms of the criticism of the guarantee or bond for the health centre being conditional on entering into a transfer or lease with a health service provider, given that the centre would only be built following a successful marketing exercise, there would be no apparent reason for the surety to be provided in advance of that part of the development commencing. ^[2.188(d)]
- 9.324 Barwood's closing submissions refer to a *'dispute resolution'* mechanism and the opposition to its inclusion expressed by the Council. Whilst this was discussed earlier in the Inquiry, in an *'exploratory'* conditions and obligations session with the aim of seeking to understand the parties' respective positions, it is only the draft planning agreement which contained the dispute provisions. These are not repeated in the undertaking. ^[3.178]

Absence of contributions towards off-site sport and leisure provision

- 9.325 Policy GP.94 of the Aylesbury Vale District Local Plan indicates that the Council, in considering applications for residential development, will have regard to the need for the provision of community facilities arising from the proposal. The development includes on-site green infrastructure and a community building. The details of the community facility are reserved for subsequent approval, by condition, but the definitions in the planning obligation include a multi-functional space *'..... which shall include the sports hall* that can accommodate four badminton courts *.....'*.

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- 9.326 The Community Infrastructure Levy Regulations sets out three statutory tests which obligations should meet: - namely that they are *'necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind'*.
- 9.327 Further, Planning Practice Guidance advises that *'policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination; and supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy'*.
- 9.328 Policy GP.90 of the Aylesbury Vale District Local Plan indicates that the Council will have regard to the need for the provision of indoor sports facilities arising from new residential development reasonably related in scale and kind to the amount of housing proposed. The text preceding the policy explains that facilities envisaged may include (amongst others) sports halls and swimming pools to be determined by reference to the range and location of existing facilities, the Council's sports development strategy and advice and guidance produced by Sport England. The subsequent Sport and Leisure Facilities Supplementary Planning Guidance is also a material consideration. ^[2.191-2.193]
- 9.329 Even with the provision on-site of a sports hall to accommodate four badminton courts, the proposed facilities would not cater for all leisure and sports activities arising from an urban extension of the scale sought and the increased usage of existing facilities in the wider area would be an inevitable consequence. Whilst this might legitimately create the expectation of financial contributions towards the cost of enlarging or improving such amenities to accommodate greater use, it is for the Council to justify the nature of the anticipated works, the resultant costs and the contribution considered to be appropriate. ^[3.179-3.181]
- 9.330 However, although three projects, and a general category of arts and entertainment, are listed there is nothing of substance to indicate how these have been identified and quantified or how they relate to the development in question. Whilst the improvements to the swimming and leisure complex, and the resurfacing of the Meadowcroft all-weather pitch, are specific and identifiable items, there is no clear appraisal of need or any visible assessment of how any financial contributions that might be sought would be proportionate to the needs of the development. ^[2.191-2.194]
- 9.331 Similarly, although there is a broad indication of possible entertainment and arts facilities for which a contribution is invited, the request for such a substantial sum is clouded by vagueness and it is wholly lacking in transparency in terms of how it would relate to the needs and impacts of Fleet Marston and the consequential fair and reasonable financial implications. ^[2.191-2.194]
- 9.332 Moreover, the inclusion of a major project at Stoke Mandeville which would be closer to the entirety of Aylesbury, as opposed to the appeal site, is made without any underlying evaluation and evident association with Fleet Marston. ^[2.191-2.194, 3.180]

- 9.333 Although the Council's Supplementary Planning Guidance has a companion Ready Reckoner which sets out a cost calculation formula based on the likely number of occupants in a new development, and whilst this might underpin the support considered necessary by the Council, the figures listed stand more-or-less alone without commentary and open calculation. Moreover, there is nothing to suggest that the impact of the call for funds on the economics and viability of the development has been taken into account.
- 9.334 Overall, whilst it is acknowledged that the proposed development might have an impact on off-site leisure and entertainment facilities, justifying the payment of financial contributions in accordance with the three statutory tests, the shifting sands of the Council's stance and its failure to comprehensively identify and justify how the sums sought would relate to the proposed urban extension undermine the authority's case. ^[3.179-3.180]
- 9.335 Accordingly, whilst there is, in broad terms, development plan support for financial contributions for improved facilities, even with the aid of the Supplementary Planning Guidance and its Ready Reckoner, there is no realistic foundation on which to determine what those contributions should be; and, without that, the absence of those financial contributions does not weigh against the proposed development.

Barwood's approach to conditions and obligations

- 9.336 In terms of the disagreement between the Council and Barwood about the respective roles of conditions and obligations, Planning Practice Guidance, and the earlier guidance that it replaced, makes plain that where there is a choice between imposing a condition and seeking an obligation, the former is to be preferred. Indeed paragraph 203 of the National Planning Policy Framework confirms that *'Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'*. ^[2.177-2.179, 3.175]
- 9.337 The approach adopted by Barwood follows the primacy of imposing conditions as far as practically feasible, but, as a consequence there are instances where this has to be supplemented by the undertaking; the Council's position, simply put, is that where a condition is unable to be self-sufficient it should be set aside in favour of an obligation. In essence, it is said that conditions and obligations should each relate to self-contained matters without overlap. ^[2.180-2.181, 3.176-3.177]
- 9.338 Although none of the cancelled, or current, guidance appears to anticipate Barwood's *'mix and match'* method, Planning Practice Guidance indicates that conditions should be tailored to specific circumstances. It repeats the six tests in paragraph 206 of the National Planning Policy Framework and asks: - *'Is the condition written in a way that makes it clear to the applicant and others what must be done to comply?'*.
- 9.339 The relevant conditions, subject to any necessary redrafting which has been undertaken, would meet this test. Whilst the conditions and obligations would have to be read in tandem, such an exercise is not unusual in relation to developments of the scale and nature proposed.

- 9.340 The fact that a condition may have a related obligation, as opposed to having a requirement expressed solely by deed, makes the understanding of multiple conditions and comprehensive obligations no less challenging to an informed reader, including those who are reasonably likely to grapple with the contents of the documents in question. Notwithstanding the inevitable mental dexterity required, there appears to be no reason why the use of conditions as far as practicable, supplemented where necessary by the undertaking, should lead to any difficulties in comprehension, interpretation, or enforcement.^[2.182]

Planning agreement:**Barwood and others and Buckinghamshire County Council****The contents of the agreement**

- 9.341 None of the elements of the agreement, which include works or contributions towards education provision (children's centre; primary and secondary schools; and special education needs) are controversial or challenged by other parties. Despite the absence of any detailed computation it would appear that the amounts have been derived by well-established formulae related to the number of school children likely to live within the development.^[3.185(c)]
- 9.342 Moreover, Policy GP.94 of the Aylesbury Vale District Local Plan provides the initial policy foundation to secure appropriate community facilities; and the National Planning Policy Framework, in identifying the role of the planning system in promoting healthy communities, confirms that decisions should aim to create places which ensure an integrated approach to the provision of community facilities.
- 9.343 Education provision, in general, within or close to an urban extension, is a vital component of good planning and sustainability. The inclusion of a 'viability' clause, which would prioritise affordable housing provision to a minimum level, recognises the need to take into account specific site circumstances and the economics of the development. There is nothing to suggest that the three tests necessary for an obligation to be taken into account (in short: - necessary, directly related to the development and proportionate) would not be met.
- 9.344 The highway works which form part of the agreement, and the establishment of a travel plan, would provide essential mitigation of the effects of increased traffic generation and the need to improve and promote alternative means of travel.^[3.185(d)(e)]
- 9.345 The off-site works would have wider benefits in delivering the planned improvements to the A41 corridor, which were curtailed following a viability reassessment as part of their provision associated with the Berryfields Major Development Area. However, that is not to suggest that the proposed works would go beyond the needs of the proposed development in order to make it acceptable in highway and planning terms; but it does provide added force to the merits of the obligation.
- 9.346 The bus services contribution has been discussed in paragraphs 9.221 – 9.228, and summarised in paragraphs 9.234, with the overall conclusion that the ambiguity as to what might be provided undermines the obligation made.^[3.185(f)]

Summary conclusion

- 9.347 In the event that the Secretary of State decides to allow the appeal and to grant planning permission for the development proposed, a comprehensive list of conditions is recommended in Annex D(ii) to this Report.
- 9.348 These are the product of some conditions agreed by Barwood and the Council and others as a result of my consideration of their respective representations. As a result, some of the conditions differ from the individual party's preferred versions.
- 9.349 The unilateral undertaking supports the planning conditions but some of its provisions (notably, those referred to in paragraphs 9.309, 9.316 and 9.321 above) are deficient and, as a whole, the undertaking would fail to mitigate the impacts of the development and make it acceptable in planning terms.
- 9.350 The planning agreement with Buckinghamshire County Council is, in general, an important material consideration although the reservation expressed about the provision of bus services is an aspect to be kept in mind.

FLEET MARSTON

The sixth main consideration: the overall planning balance

- 9.351 Housing provision in the Aylesbury Vale District Local Plan is out of date and the successor plan, the Vale of Aylesbury Plan, was withdrawn following its early stages of examination.
- 9.352 The district does not have an objectively assessed evidence base for market and affordable housing in the housing market area and, using the best evidence available, it needs to provide a minimum of 1,000 dwellings per annum. The absence of a five year supply of specific deliverable sites, and the persistent under delivery of housing, points to the addition of a 20% buffer in order to provide the homes needed and to ensure choice and competition.
- 9.353 Paragraph 49 of the National Planning Policy Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 9.354 The local planning authority acknowledges this to be the case and confirms that paragraph 14 of the Framework is engaged, namely where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.^[3.186]
- 9.355 As the Framework says, there are three dimensions to sustainable development: - economic, social and environmental. The proposed development would be consistent with the economic and social roles by facilitating growth and providing homes.

- 9.356 However, in terms of the environmental role, the proposed urban extension would have a profound impact on landscape character; and a very serious effect in terms of its physical and visual impact on the vale landscape and its wider setting, having particular regard to the manner in which the proposal would drive development into the open countryside.
- 9.357 Although the project is said to be founded on the laudable principle of *'beads of development'*, the site has limited physical containment and tenuous urban references. Consequently, the proposed development would result in the urbanisation of the countryside with very little contextual association with the built-up area of Aylesbury.
- 9.358 As such the proposal would be in conflict with Policy GP.35 of the Aylesbury Vale District Local Plan and confirmation in the National Planning Policy Framework that planning decisions should, amongst other things, contribute to conserving and enhancing the natural environment. Although the landscape of Fleet Marston does not have any special designation, the overwhelming scale of the adverse impacts on this *'ordinary'* area of countryside provides a very strong reason to count against the development.
- 9.359 The environmental role of sustainable development also includes the protection and enhancement of the nation's historic environment. In the case of Fleet Marston a surviving medieval church, Saint Mary's, would sit within the Saint Mary's character area of the development.
- 9.360 Saint Mary's church is listed grade II*. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes the following general duty: - *'In considering whether to grant planning permission for development which affects a listed building or its setting the Secretary of State shall have special regard to the desirability of preserving the building or its setting'*
- 9.361 The Court of Appeal judgement, *Barnwell Manor Wind Energy Limited v East Northants District Council, English Heritage, National Trust and the Secretary of State for Communities and Local Government ([2014] EWCA Civ 137)* (post-dating the judgement of Lang J in the High Court) is relevant to the consideration of the statutory duty. The Court of Appeal judgement has not been drawn to the attention of the parties to the Inquiry.^[4.200]
- 9.362 Lord Justice Sullivan, in his judgement, held: -
'It does not follow that if the harm to such heritage assets is found to be less than substantial, the balancing exercise should ignore the overarching statutory duty imposed by section 66(1), which properly understood requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings. That general duty applies with particular force if harm would be caused to the setting of a Grade I listed building, a designated heritage asset of the highest significance Parliament's intention in enacting section 66(1) was that decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.'

- 9.363 The proposed development would not have any physical impact on the church, with effects confined to its setting. The setting of Saint Mary's, nestling in its compact, informal and mounded churchyard, has a tangible sense of seclusion and isolation. It appears as an anomaly set within a field with no apparent rationale for its location. However, the community it once served was lost through rural depopulation and the sole survival of the church plays an important role in the history of the area.
- 9.364 A new enveloping community, with buildings dominating the church, would rob the historic asset of its association with the rural landscape and its relative pre-eminence within it. The development would deprive Saint Mary's of the very essence of its setting which contributes to the overall significance of the building.
- 9.365 Although the harm to the setting of the historic asset would be less than substantial, the overwhelming degree of change, and the relative importance of a grade II* listed building, are relevant to the performance of the statutory duty in the overall balance.
- 9.366 A further aspect of the overall balance is the consideration of the public benefits which would include the return to regular use and future financial support under the guiding principle of putting heritage assets to viable uses consistent with their conservation.
- 9.367 However, the ability to secure regular use is not certain in practical terms or within the constraints imposed by the diminutive scale and nature of the building; and the draft planning conditions intended to secure works and on-going maintenance would fail the test of necessity.
- 9.368 Overall, such uncertain benefits would fall well-short of mitigating the harm to the distinctive and irreplaceable setting of the listed building and the proposed development would thus be at odds with the guidance in the National Planning Policy Framework. The harm to the setting of the listed building is also to be given considerable importance and weight in terms of the statutory duty imposed by section 66(1) of the Act.
- 9.369 From the foregoing it is clear that the Fleet Marston urban extension, in its failure to contribute to the protection and enhancement of the natural and historic environment, would not be consistent with the environmental dimension of sustainable development.
- 9.370 The National Planning Policy Framework also seeks to promote sustainable transport and to ensure that major development takes place where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 9.371 The proposed development would offer the opportunity for new residents to both live and work within Fleet Marston and to have access to local services and facilities. It would also facilitate the completion of improved transport measures along the A41 to meet the needs of the project and deliver mitigation measures related to Berryfields. The new community would also be close to Aylesbury Vale Parkway railway station with access to London and, on completion of East-West Rail, journeys to Milton Keynes and Bedford.^[3.19(c)]

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- 9.372 The development offers the potential to deliver two additional bus routes, but the level of funding and the agreement entered into with the County Council places some doubt on the sufficiency of the funds to meet the developer's expressed intentions. That could undermine the attractiveness of using public transport and in turn weaken the transport sustainability credentials of the project.
- 9.373 The proposed urban extension would rely on a single road corridor to provide access to Aylesbury. The route passes under a narrow railway bridge where the limited width between abutments would constrain design to recognised standards and where space for motorists, pedestrians and cyclists would inevitably be compromised.
- 9.374 Notwithstanding the assent of the highway authority, and the flexibility to be applied to highways design, it is highly likely that the resultant constriction would make the route less desirable for pedestrians and cyclists as a result of mutual conflict and potential dangers having particular regard to the high volumes of traffic carried along the A41. The consequential effect of inhibiting the use of sustainable transport modes would undermine a key principle of the development.
- 9.375 Overall, the lack of clarity and certainty about bus service provision and the quality of the singular route to Aylesbury, particularly for pedestrians and cyclists, are inherent weaknesses. In combination, they represent a decisive reason to outweigh the transport related benefits which the development would deliver and to count against the project as a whole.
- 9.376 The published route of HS2, along the western edge of the site, and the progress of the Hybrid Bill are relevant considerations. It is apparent that the high speed line would not be prejudiced by Barwood's proposals and, in turn, the illustrative masterplan for Fleet Marston could, with seemingly minor amendments, proceed to fruition.
- 9.377 However, from the information available, it has not been possible to assess the cumulative impacts of both projects. As such, the overall conclusion can be nothing more than neutral with HS2 neither enhancing nor eroding the case put for the development.
- 9.378 In terms of conditions and obligations, the undertaking to the District Council is deficient in that it does not impose continuing obligations on the occupation of affordable housing for that purpose; there is no requirement for the reinvestment of funds from increased equity or sale into the provision of affordable housing; and there are doubts about the arrangements for securing adequate funds to guarantee the provision of the health centre. These shortcomings would need to be rectified to make the development acceptable in planning terms.
- 9.379 Whilst there is an anticipation that developer funding might be sought for the provision or enhancement of off-site community and leisure facilities, related to the impact of the development on those facilities, the Council's lack of specific justification falls short of the statutory tests of necessity, proportionality and reasonableness. Similarly, Thames Valley Police has failed to substantiate the contributions that it was seeking.

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- 9.380 Drawing the various threads into the overall planning balance, there is an unequivocal need for the provision of new market and affordable homes in Aylesbury, a call by government to boost significantly the supply of housing, and there would be economic benefits arising from the employment development proposed. The development would also provide other identifiable benefits, not least the overall concept of undertaking a mixed-use development bringing together homes, jobs and related community and social infrastructure and services. ^[2.203(a)-(c), 3.197, 3.199]
- 9.381 Further benefits would include extensive green infrastructure to green the environment; to provide opportunities for recreation and enjoyment; and to deliver benefits for ecology and biodiversity. However, the land to the north of the railway, to be retained in low intensity agricultural use, would offer minimal benefit to the community given the absence of public access to it; and it would provide little value to the aims of the Council's green infrastructure strategy. Nonetheless, the remaining green infrastructure to be provided would exceed the amounts sought by Policy GP.86 of the Aylesbury Vale District Local Plan. ^[1.45(d), 2.203(d), 2.204-2.208, 3.106, 3.199, 4.223]
- 9.382 In addition, schools, children's centre, multi-functional community space, a GP surgery, health facility and gym would be provided. However, all of these might reasonably be expected from an urban extension of the scale proposed. ^[3.199]
- 9.383 On the other hand, the proposed development would cause undeniable, serious and irreversible harm to the setting of Saint Mary's church, Fleet Marston, a grade II* listed building. The setting of the asset is a vital part of its history and understanding and it contributes to the significance of the church itself. Considerable importance and weight is to be given to the desirability of preserving the setting of the building and, as a result, the benefits of the development would be far outweighed by the resultant harm to the setting of Saint Mary's church. This alone forms a compelling reason to dismiss the appeal.
- 9.384 The adverse impacts on landscape character and visual amenity, when set against the totality of the benefits, would also stand by itself as a reason to dismiss the appeal having regard to the indifference of the proposal to both landscape context and the generally compact and contained, albeit significantly enlarged, form of the town.
- 9.385 In terms of the ability of the proposed development to promote sustainable travel, there would be marked deficiencies in the quality of the route towards, Berryfields, Parkway station and Aylesbury for both pedestrians and cyclists. The intention to improve bus provision is supported by a commitment to funding but doubt remains as to what that would provide.
- 9.386 Whilst very significant weight attaches to the opportunity to secure the completion of other public transport improvements along the A41, the misgivings about being able to deliver a truly sustainable urban extension tip the balance and add weight to the conclusions on the first two main considerations. Had there been no other grounds for dismissing the appeal, the less than satisfactory transport measures would not have been sufficient to outweigh the urgent need for more housing in Aylesbury and the other identified benefits. ^[3.191]

- 9.387 The matter of HS2 does not affect the overall planning balance.^[3.189]
- 9.388 The shortcomings in the planning obligation relating to affordable housing and equity by guarantee or bond for the health centre are sufficiently serious to dismiss the appeal. However, if the Secretary of State were otherwise minded to grant planning permission, these matters would be capable of being remedied by a further, prior, undertaking.
- 9.389 In conclusion, the proposed development would not contribute to the environmental role of sustainable development and it would fall short on the promotion of sustainable transport. Notwithstanding its other sustainability credentials, Fleet Marston would not, on balance, be sustainable development when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 9.390 In terms of paragraph 14 of the Framework, although the housing policies in the development plan are out of date, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the combined benefits associated with the development of Fleet Marston.

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HAMPDEN FIELDS

Preliminary matter

- 9.391 During the course of the Inquiry it was acknowledged that the photomontages prepared to support the landscape evidence did not accurately reflect the Maximum Building Heights Parameters Plan in that they differed in two locations.^[2.210, 6.3(i)]
- 9.392 Firstly, in the north-western segment of the site (subsequently in part referred to as 'Parcel A'), the evidence illustrated dwellings up to 8.5 metres and 9.5 metres whereas the parameters indicated a maximum of 10.0 metres and 11.5 metres respectively.^[2.211]
- 9.393 Secondly, in the southern part of the western community, the former illustrated the sports pavilion with a ridge height of 6.0 metres and the nearest dwellings at 8.5 metres compared to a maximum of 9.0 metres and 10.0 metres respectively on the Parameters Plan.^[2.212]
- 9.394 The assessment of landscape effects in the Environmental Statement is based on the Maximum Buildings Height Parameters Plan. To the extent that the Consortium's evidence diverges from that assessment, by seeking to illustrate 'lesser' effects, it would be reasonable to assume that this is the basis on which the developer seeks to put its case and indicative of the development it proposes to build. It would be wholly misleading to portray potentially lower impact buildings and thereafter seek to pursue the earlier parameters.^[4.4-4.5]
- 9.395 It follows that in order to 'limit' the development to the evidence presented, any grant of planning permission would need to be subject to a condition setting out the revised parameters in order to secure certainty. Given that the Consortium has confirmed that the photomontages show what it reasonably expects to deliver, the condition would not unnecessarily restrict the development in the sense of being unduly onerous.

- 9.396 To avoid doubt I have taken the revisions to the parameters as the basis for my consideration (Drawing No. 500-114 dated 4 November 2013).

HAMPDEN FIELDS

The first main consideration: the landscape and visual effects

Introduction

- 9.397 In common with Fleet Marston, the assessment of the landscape within the locality of the appeal site is well documented including material prepared as part of the evidence base for the Core Strategy; Inspectors' reports relating to the District Local Plan and the Core Strategy; the Landscape and Visual Impact Assessment prepared for the application; and the evidence to the Inquiry. These are to be considered in the same light as set out in my conclusions relating to Fleet Marston. ^[3.219-3.220, 4.7, 4.9-4.13, 4.92-4.93, 4.94(f), 4.102]

Landscape Character

Southern Vale Landscape Character Area

- 9.398 Hampden Fields lies within the Southern Vale Landscape Character Area. The Landscape Character Assessment identifies the condition of the landscape to be, generally, in poor condition with some detracting features.
- 9.399 Its sensitivity is described as moderate relying strongly on its wider setting in the landscape; sense of place is moderate with localised evidence of historic continuity; and the foothills and scarp slope rising to the south of the character area are an apparent feature. ^[4.92]
- 9.400 The underlying guidelines seek the restoration and enhancement of the character area with particular reference to the historic character and form of the villages and their settings; the restoration and enhancement of the original field pattern, where practical; maintenance and improvement in the condition of existing hedgerows; the planting of new woodland to improve landscape structure and the development of native black poplar trees; and the preservation of ridge and furrow. ^[3.217]
- 9.401 At this stage it is suffice to record that the Consortium's assessment, in the Landscape and Visual Impact Assessment, of the effects on landscape character as '*high/medium adverse significance*' is accepted by the Council. The consideration of whether the project would be consistent with the aims of the landscape character area guidelines rests on an overlap with other main considerations; and it is a matter which is addressed below. ^[2.222-2.223, 3.205]
- 9.402 However, before moving on, it is to be acknowledged that the Southern Vale Landscape Character Area is very limited in extent, covering a swathe from the Grand Union Canal to the north of Weston Clinton Road, across the appeal site, washing over the golf course and Weston Turville and, thereafter, running a short distance to the west of Stoke Mandeville. It is undeniable that a significant part of the character area would be subsumed by the proposed development; the character area would lose its integrity and rarity; and the guideline of '*restore and enhance*' would become redundant. ^[3.213(a), 6.3(n), 6.9]

- 9.403 As to the value of the landscape, there is considerable overlap with other considerations not least its accessibility; its relationship with the wider countryside; its contribution to settlement identity; and the overall value placed on it by the local community. These are discussed below.

Adjacent Landscape Character Areas

- 9.404 A key characteristic of the Landscape Character Areas to the south of the appeal site, encompassing part of the Chiltern Hills, is the availability of long distance, wide vista, views over the vale to the north. Hampden Fields lies within the middle foreground, with Aylesbury as a backdrop, and adjoined by Stoke Mandeville and Weston Turville within a strong landscape framework. ^[2.231]
- 9.405 Within this setting, and with the benefit of additional landscaping as part of the comprehensive green infrastructure strategy for the site, the proposal would settle well into its surroundings and its impact on the perception of the landscape from the south would not be particularly marked as the key characteristic would remain largely unchanged. ^[4.94(a)(b)]
- 9.406 Moreover, new planting within and around the site would assist in consolidating landscape structure and native black poplar trees would be managed and, where removed, replaced by new cultivars. Whilst this would not be wholly in accordance with the landscape guideline of securing the provision of new woodland, the nature of the planting proposed would, nonetheless, make a valuable contribution towards mitigation. ^[4.20(c)(v)]

Visual effects

Views from the Chilterns Area of Outstanding Natural Beauty

- 9.407 Hampden Fields lies to the north of the chalk escarpment of the Chiltern Hills and the nearest boundary of the Chilterns Area of Outstanding Natural Beauty is approximately 1.6 kilometres south of the appeal site. The significant change in topography results in a two-way relationship between the site and the hills.
- 9.408 Looking first from vantages within the Area of Outstanding Natural Beauty, two 'proxy' viewpoints fall to be examined in light of the differing professional judgements on the significance and nature of effects. The critical consideration is whether the proposals would cause harm to the scenic beauty of a landscape which is to be afforded the highest status of protection.
- 9.409 The north-western edge of the designated area is often well wooded which limits outward views. However, where views occur, for example from Upper Icknield Way and Coombe Hill, they are elevated, panoramic, long distant and, particularly in the case of Coombe Hill, spectacular. Those views encompass a broad, seemingly generally flat, vale with an encircling hillside backdrop. The foreground of agricultural fields is supplemented by small pockets of development and in both instances the mid-ground has the focus of larger built-up areas including Aston Clinton, Weston Turville, Stoke Mandeville and the spread of Aylesbury itself. Additionally, from Coombe Hill, parts of Wendover add a further area of settlement to the vista. ^[3.223, 4.94(a)]

- 9.410 The appeal site currently provides a layer of 'green' between Aylesbury and the three immediate villages broadly to the south. The addition of built-development would be a noticeable addition to the landscape but its effects would be softened and partially absorbed by the significant structural landscaping proposed and the diminishing effects of distance from the elevated viewpoints. ^[2.231, 3.221, 4.94(b)]
- 9.411 Specifically, from Upper Icknield Way the proposed development would also have the distinct and immediate backdrop of Aylesbury itself with Stoke Mandeville and Weston Turville as an integral part of its foreground. As a result of its already substantially developed context, and the outlier of development around Aston Clinton, an urban extension at Hampden Fields would not create a marked change in perception of a broad, in parts, intensively settled, landscape embraced by wider countryside. ^[2.231, 6.3(t)]
- 9.412 In terms of Coombe Hill, the context would be different, by degree, in that Hampden Fields would no longer be seen with Aylesbury directly behind it. However, its integral relationship with the town and the wider spread of development in the direction of Aston Clinton, with the foreground of Weston Turville, would mollify its impact and its effect on the quality and value of outward views from this part of the Area of Outstanding Natural Beauty would not be unduly harmful. ^[2.231]
- 9.413 In night-time views, the proposed development, even with its extensive new lighting, including floodlit sports provision, would have the well-established illumination and glow of the existing built-up areas and lit road corridors as part of its setting. In these circumstances the proposal would not be seen to be especially intrusive or harmful to the night sky. ^[4.94(c)]
- 9.414 Overall, the proposed urban extension could be accommodated within the wider landscape with little apparent change and the scenic beauty of the Chilterns Area of Outstanding Natural Beauty would be protected.

Views towards the Chilterns Area of Outstanding Natural Beauty

- 9.415 Moving on to consider the relationship of Hampden Fields with the Area of Outstanding Natural Beauty, the latter provides a visual backdrop from a number of points within the site and has the effect of enhancing the overall setting of Hampden Fields and its relationship with an attractive wider landscape framework. This is reinforced by public accessibility along the public footpaths which cross the site.
- 9.416 By way of example, the footpath running southward, from Bedgrove Park, through the site (Viewpoints 6 and 8) has notable rural characteristics with a south-westerly view in the direction of Coombe Hill and the wider escarpment. Although the Hampden Hall development, in particular, is visible from part of the route, the footpath provides a strong visual link with the wider, more striking, countryside beyond. ^[2.229, 2.244]
- 9.417 Whilst the footpath would be retained within a wide green corridor, and outward views would remain a feature, the experience of walking through the countryside would be lost to a more managed environment with the comparative immediacy of new buildings albeit within a well-landscaped setting. The degree of change would inevitably be of an 'adverse' nature for those who value the countryside. However, despite the transformation in context and experience, the backdrop of the Chiltern Hills would remain as a tangible focus. ^{[2.244, [4.94(d), 4.95-4.96, 6.3(z)]}

9.418 Overall, it cannot be disputed that the appeal site would lose its natural and open appearance and its overwhelming countryside character. However, its connections with the wider landscape would not be lost as existing public footpaths would, generally, be retained within generous green infrastructure; and the continuing presence of the Chiltern Hills in the background, would ensure that the adverse impacts were minimised. [2.220-2.221, 2.244, 3.222, 4.20(c)(iv), 4.91, 6.3(a)(u)(v), 6.7]

Visual amenity – local residents

- 9.419 There are several instances where the Council questions the conclusions reached by the Consortium. Given that there are a number of residential properties around the site, it is appropriate to reflect on these as a whole. Starting in Bedgrove, the houses to the east of the park would retain their open aspect with outlook over semi-natural green space and the more extensive green corridor beyond. [2.226-2.228]
- 9.420 Moving round to Aston Clinton Road, frontage dwellings enjoy views over open countryside with the backdrop of the Chiltern Hills. The houses on the south-western side of the road sit in relatively long plots and stand to one side of the proposed development area. However, with semi-natural green space as their immediate proposed neighbour, a pleasant outlook would be retained. Moreover, with appropriate planting, the more distant residential area (edged with dwellings no more than 2.5 storeys in height before the taller buildings of the eastern neighbourhood) and employment areas would not result in a marked deterioration in living conditions or sense of buildings being out of character with their surroundings. [4.109, 6.11]
- 9.421 From Weston Road, taking account of the combination of established screening, three or four fields as separation, and the community green space along the edge of the proposed development site, the impact on visual and residential amenity would not be of marked consequence.
- 9.422 Similarly, in Weston Turville, the majority of homes enjoy good separation with few direct and immediate views into the site; indeed many of the dwellings have aspect over open land and the Weston Turville golf course. Where existing houses have greater proximity, recreation grounds are proposed providing retained 'open' surroundings.
- 9.423 In terms of the effect on Marroway, in the vicinity of the proposed road access into the site, consideration is deferred to a later part of my conclusions under the heading of '*Coalescence and settlement identity*'. The same applies for the gap between Bedgrove and the north-western corner of Hampden Fields. [2.230]
- 9.424 The south-western and western boundaries of the site back on to the line of houses which extends from Marroway into and along Wendover Road and includes Hampden Hall. A number of these would retain open aspect over land intended for community parks and spaces; and for those where the masterplan envisages new dwellings backing on to those existing, the characteristic of moderate to long rear gardens along Wendover Road and the ability to control the siting of new dwellings at reserved matters stage would provide sufficient safeguards. The latter would be particularly apt in the consideration of the layout relative to the more compact spaces associated with the houses at Hampden Hall.

9.425 In totality, a significant number of local residents would experience some change to the valued rural ambience of their homes and their surroundings. It is acknowledged that even where new open land uses are proposed these would, for the most part give way to, or be framed by, new buildings. However, the masterplan layout has clearly been conceived with a good degree of separation and good neighbourliness in mind and, as a result of its overall concept, the impact on the amenity of established residents, in its widest sense, would not be unduly harmful. ^[2.232, 4.97]

Summary conclusion

- 9.426 In landscape character terms, the proposed development would destroy the quintessence of the landscape character area in which it would be situated. However, it would not have any material impact on adjacent character areas.
- 9.427 Visually, the proposed urban extension would not impinge, to any material degree, on outward and elevated views from the Chilterns Area of Outstanding Natural Beauty. From within the site the views to the Chilterns would be experienced from a more managed and built-up setting; but the hills would remain as an unmistakable attractive backdrop. The overall visual impacts would be very limited.
- 9.428 A number of residents would see a change in outlook with countryside giving way to a predominantly green-edged garden suburb; and no material loss of living conditions would occur.
- 9.429 Accordingly, the only significant adverse impact to be carried into the overall planning balance is the harmful effect on the character of the Southern Vale Landscape Character Area as an entity.

HAMPDEN FIELDS

The second main consideration: coalescence and settlement identity

Principles and policy

- 9.430 The proposed urban extension has been characterised as *'bad growth'* or *'doughnut development'* in that it would add a further *'suburban'* ring to Aylesbury. However, that misrepresents The Taylor Review in its criticism of concentric growth around market towns where new housing estates are built up against the existing settlement with few additional shops, services, or amenity. In this regard, Hampden Fields has been conceived as a *'self-contained satellite neighbourhood with a mix of housing, employment and public green space which would benefit both old and new communities'*. ^[3.207(a), 4.21-4.23]
- 9.431 More to the point is whether the concept would lead to coalescence and loss of settlement identity with reference to Policy RA.2 of the Aylesbury Vale District Local Plan and particular regard to the proximity of the site to Aylesbury, Stoke Mandeville and Weston Turville and their inter-relationships. ^[2.233-2.235, 3.208-3.209, 4.103, 6.2]

Background

9.432 The possibility of developing land at Hampden Fields was considered in connection with the Aylesbury Vale District Local Plan and the Aylesbury Vale Core Strategy. However, each Inspector was dealing with a proposition which differs markedly from the extent of development currently proposed; and there is nothing which presupposes consideration of the now materially enlarged scheme. ^[2.250-2.251, 4.94(f)]

Bedgrove and Stoke Mandeville

9.433 Looking first at the degree of connection with Aylesbury, the existing urban edge of Bedgrove is clear cut, along well-defined garden boundaries. Although Bedgrove Park provides a green inset and tangible link into the countryside along its southern edge (where the maintenance regime is less intense) the park has all the hallmarks of an urban green space with formal playing pitches, equipped play areas, car park and a community building. ^[2.237, 2.239-2.240]

9.434 For the most part, new housing would stand well away from existing homes with the most northerly edge of new buildings located to the south of Bedgrove Park in lower density form. The countryside vista from the park, and from adjacent houses, would undoubtedly be transformed with the clear impression of an adjacent community beyond semi-natural green space and other landscaping.

9.435 Walking out from Bedgrove, using existing footpaths and new links, would be into the new community and there would be mutual use of spaces within Bedgrove Park and also within the new green space to be provided. Given the inter-relationship, physical connection and proximity, the proposed development would clearly be perceived as an extension to Aylesbury. ^[4.99]

9.436 The separation between Bedgrove and Stoke Mandeville, along the eastern side of Wendover Road, is quite subtle being limited to a single field with a high frontage hedgerow whereas open countryside on the opposite side of the road denotes more distinct demarcation. The respective settlements are inter-visible and there are connecting elements in terms of footpaths, on both sides of the road, and street lighting. ^[4.104]

9.437 Stoke Mandeville has in the process of time grown from its original core, extending along Station Road and in both directions along Wendover Road, often in linear form. The relatively dense housing development at Hampden Hall has brought its physical relationship with Aylesbury much closer; and a stranger could be forgiven for mistaking the spread of development to be part of the town of Aylesbury. ^[2.238]

9.438 The suggestion that the removal and taming of the frontage hedge would itself enhance the gap, by allowing visual connection between the new green infrastructure and the open countryside on the opposite side of the road, lacks credibility. In this regard, there is no doubt that the forging of a new access through the gap and into the site, with associated visibility splays, street furniture and landscaping, would be an urbanising influence. ^[2.247-2.249, 3.207(d), 4.105, 6.3(w), 6.4(b)]

- 9.439 This would be accentuated by a block of housing set back from Wendover Road, in the mid-ground, (*'Parcel A'*). Despite foreground landscaping and confinement of the housing to the southern side of the route before the site broadens, this part of the development would seriously compromise the concept of an open swathe leading into the site and the intended *'separation'* between settlements. ^[2.211, 4.105-4.106]
- 9.440 Whilst its omission would not eliminate the urbanising influence of the road, the greater set back of built development, and the landscaping of the area so vacated, would minimise the impact on the gap, reduce the impression of coalescence and pay greater regard to the identities and character of Bedgrove and Stoke Mandeville. These are sufficiently important objectives to warrant excluding *'Parcel A'* by condition attached to any grant of planning permission. ^[2.211, 4.105-4.106]

Stoke Mandeville and Weston Turville

- 9.441 Stoke Mandeville runs out in linear form in the direction of Weston Turville, along Marroway. The approach into each settlement is well-cloaked by vegetation and the route between them is distinctly rural in character with countryside views to the south and dense hedgerows along the northern side of the road and limited glimpses of agricultural land beyond. ^[2.236, 6.3(f)]
- 9.442 The frontage parcel of the appeal site occupies about half of the gap, which is some 375 metres in length, between the two settlements. The provision of a new road into the site, including some anticipation of street lighting and the changed priorities and associated signage, would bring significant change to this part of Marroway where it abuts Stoke Mandeville. The necessary removal of two black poplar trees, which were observed to be in poor condition and not of individual specimen value, and frontage hedgerow would have an added effect. ^[2.230, 2.236, 2.255, 3.207(d), 6.3(x)]
- 9.443 Despite these changes, the majority of the gap between the settlements would remain unscathed. Although agricultural land would give way to open recreation uses, with formal sports pitch provision, this would have a very minor effect on the perception of the gap given the effective screening provided by the frontage hedgerow and by a secondary hedge where the appeal site broadens to the east. ^[4.108(c)(d), 6.4(d)]
- 9.444 The proposed sports pavilion and related car parking areas would also be well screened from Marroway. Whilst general lighting and floodlighting would be added elements, the distance and filtering effect of vegetation, and the ability to minimise light spillage, would safeguard the darkness of the road between the settlements at night.
- 9.445 In terms of the main built-up area of the western neighbourhood of Hampden Fields, the new residential area would be approaching 500 metres from Marroway, beyond a substantial landscaped belt. Notwithstanding its overall scale, it would not erode the distinction between Stoke Mandeville and Weston Turville.

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- 9.446 Much of the debate about coalescence relates to the effect of the development as a whole, including its green infrastructure, on established communities having particular regard to the manner in which a substantial element of sports and open space provision would, in essence, abut both Stoke Mandeville and Weston Turville and provide joint usage for both existing and new residents. ^[2.246, 6.3(r)]
- 9.447 Looking next at overall character, the proposed green infrastructure to the north of Marroway, including community allotments/orchards and recreation and sports provision, would have undeniable urban characteristics in that it would be perceived to be associated with one or more built-up areas rather than forming part of the countryside. ^[2.245-2.246, 6.4(c), 6.5(c)]
- 9.448 It is likely that the green infrastructure would be perceived, in the main, as part of the new western community particularly as the new spine road would provide an inextricable physical and visual link. The integral relationship would, in turn, create the distinct impression of a new community spreading, more-or-less, from Bedgrove, running adjacent to Stoke Mandeville and on towards Weston Turville. ^[2.252-2.254, 3.215-3.216, 6.3(q), 6.8]
- 9.449 The Consortium, in its design principles, set out to create an urban extension to Aylesbury with two distinct communities served and linked by a number of joint facilities. The *'attachment'* to Aylesbury would be, to a degree, notional as the entire length of the north-western boundary, where it abuts Bedgrove, would be given over to green infrastructure and new buildings would be *'one-step'* removed. ^[2.241]
- 9.450 However, in the case of Stoke Mandeville the western side of the western community would have a much more tangible relationship in that parts of the new development would abut existing gardens. This would give a clear impression of development in depth, where views exist between dwellings and beyond their associated mature gardens, behind the Wendover Road frontage. The length of existing rear gardens and the likely different style of new homes would offer some distinguishing elements but there would remain an unmistakable sense of Aylesbury meeting the eastern strip of Stoke Mandeville. ^[4.101, 6.2, 6.5(a)]
- 9.451 Whether or not new residents in the western community would consider themselves to be in Stoke Mandeville or Aylesbury is debateable. None of the three road access points into Hampden Fields would be directly from Stoke Mandeville; the development is designed to be *'self-contained'*; and even with the footway link on to Wendover Road for bus services and access to Stoke Mandeville railway station, the likelihood would be an affinity to Hampden Fields itself. ^[3.207(b), 4.99-4.100]
- 9.452 This somewhat academic point needs to be set in context with a more rigorous assessment of likely physical effects. Reverting to first principles, it is inevitable that Hampden Fields would be perceived, as was initially intended, as an urban extension to Aylesbury. The subsequent expressed union with Stoke Mandeville appears to acknowledge the joining of the built-up areas, with new houses neighbouring the northern part of the Hampden Hall development and backing on to a significant length of the Wendover Road frontage. ^[2.241-2.242, 3.206, 6.3(o)(q)(s), 6.5(b)]

- 9.453 In terms of settlement identity, the historic core of Stoke Mandeville lies to the west of the railway station. The settlement has grown from its origins, seemingly in ribbon form along both Station Road and Wendover Road, with some consolidation behind the respective frontages, and to a lesser extent in short ribbon form into Marroway.^[4.99]
- 9.454 Whilst the older part has a clear expression of identity, which would not be affected by the Hampden Fields proposal, the later development lacks such an obvious sense of place. Indeed, part of the Wendover Road frontage has a noticeable affinity to Aylesbury itself as a progression of 'suburban' development along a radial route.
- 9.455 Moving on to Weston Turville, this is a well defined settlement embraced, in the main, by agricultural fields. Like Stoke Mandeville, it has an historic core which would remain unaffected by Hampden Fields; but, unlike its neighbouring settlement, the degree to which the development would 'attach' itself to Weston Turville would be marginal.^[4.107]
- 9.456 In this regard, the critical element would be in the vicinity of West End and the proximity to the proposed formal recreation and sports area (served from Marroway). However, with an already limited visual connection, the retention of the existing field boundary, supplementary landscaping and the laying out of open uses beyond would strongly inhibit the physical impact of the new built development on the existing settlement.^[2.254(a)(b), 6.3(aa)(bb)]
- 9.457 The impression of a link with an expanded Aylesbury would be appreciable in walking out from West End into a new urban-related setting rather than the cherished countryside encounter. That would be emphasised by the adjacency of the green infrastructure, running northwards, to the Weston Turville golf course where its 'urban' recreational characteristics would merge with Hampden Fields. In turn, the adjacency of the Weston Turville recreation ground to the golf course would be a further element of inter-linking.^[2.243, 2.254(c)-(e), 4.108, 6.3(cc), 8.43]

Hampden Fields – a valued landscape

- 9.458 The concept of landscape value is set out in my conclusions on Fleet Marston at paragraphs 9.90 – 9.91. In short there are a variety of facets which contribute towards value.
- 9.459 In the case of Hampden Fields, the appeal site is perceived as 'belonging' to three communities in that the residents of both Bedgrove and Weston Turville can simply step out into and across it using the public footpaths; and the residents along the eastern side of Wendover Road, Stoke Mandeville have the benefit of open land as part of their aspect. The openness of the site is also important to local residents for providing separation from other settlements and reinforcing community identity.^[2.214, 4.95, 6.3(n)]
- 9.460 It has value as countryside both in terms of its appearance, enhanced by its proximity to the Area of Outstanding Natural Beauty and views towards it, and the ability to use it for recreational walks. It is clear that the footpaths are well-used and there is scope to use them to connect with the wider open countryside.^[2.216-2.218, 6.3(b)-(e), 6.6(a)-(d)]

9.461 Although the site does not possess many of the elements which contribute towards value, for example it is not a designated landscape, it is not of high or special quality and it contains none of the perceptual qualities such as tranquillity or wildness, it is clear that it holds much for a significant number of local people. As such it is reasonable to conclude that Hampden Fields is a locally valued landscape which contributes to the quality of life for a significant number of nearby residents. ^[3.212-3.214, 4.94(e)]

Summary conclusion

- 9.462 Drawing these various threads into one, Hampden Fields can properly be regarded as an intended garden suburb to Aylesbury beyond defining green infrastructure which would itself flow outward from, and create a mutual connection with, Bedgrove Park.
- 9.463 Hampden Fields would have a greater presence on Stoke Mandeville in so far as separating green infrastructure would not be a primary characteristic. In that sense, despite the inward looking nature and containment of Hampden Fields, the western community would be an adjunct to Stoke Mandeville.
- 9.464 By contrast, significantly more separation would be afforded to Weston Turville, in that the development site does not abut the settlement itself and open land uses would add to the distinction between Weston Turville and the proposed new buildings.
- 9.465 With a focus of new recreation facilities between Stoke Mandeville and Weston Turville joint usage with the new community would draw Hampden Fields and the two established settlements together; albeit that such facilities '*belonged*' to Hampden Fields as an expansion of Aylesbury.
- 9.466 Inevitably, with an urban extension proposed on a tract of countryside which separates three settlements, and two of those already have a palpable association, the anticipated outcome is coalescence and loss of settlement identity. In this instance, significant steps have been taken to minimise the effects of coalescence by the provision of substantial and effective green infrastructure. Whilst that removes physical attachment contextual association remains.
- 9.467 In terms of settlement identity, notwithstanding the '*attachment*' of Hampden Fields to Stoke Mandeville the charm of its core area would remain. The proposed development would result in a fundamental change to the eastern part of the settlement through coalescence. However, it can be anticipated that as a result of sensitive layout and design, and in some places with mutual separation by distance and established garden planting, the new houses would have their own distinctiveness and would not undermine the identity of the Wendover Road area of Stoke Mandeville.
- 9.468 Weston Turville would not be physically joined by the proposed development but a new road access and playing fields would be a short distance away. These would be an integral part of Hampden Fields and in that sense coalescence would arise. As to settlement identity, Weston Turville would remain with its own distinct sense of place albeit with some weakening on its north-western edge with the wider loss of open countryside as part of its setting.

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- 9.469 Policy RA.2 of the Aylesbury Vale District Local Plan is unequivocal in its intent. The proposal would conflict with the aim of safeguarding open land that contributes to the form and character of rural settlements in that both Stoke Mandeville and Weston Turville enjoy a countryside setting. It would also result in coalescence; and there would be some loss of individual settlement identity.
- 9.470 Consequently, the proposed development would be at odds with the Landscape Character Area guideline of seeking the restoration and enhancement of the character area with particular reference to the historic character and form of villages and their settings. ^[2.256, 3.208-3.211, 4.110-4.113, 6.3(l)(m), 6.6, 6.10]
- 9.471 The National Planning Policy Framework acknowledges that *'the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities'*.
- 9.472 However, it contains the proviso of *'working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development'*. In this instance, Hampden Fields has all the credentials of a well planned sustainable development; but it is vehemently opposed by the local community. It is also apparent that the appeal site has significant local value for recreation, connection with the wider open countryside, open aspect and settlement identity. These are matters to be considered in the overall planning balance. ^[6.6(e), 6.26-6.28, 8.76-8.77, 8.79-8.80]

HAMPDEN FIELDS

The third main consideration: heritage assets

Field boundaries

- 9.473 The land to the south (and east) of Aylesbury is characterised by a pattern of nucleated rural settlements, each with a distinct identity, set amongst agricultural fields and clearly separate from the market town of Aylesbury. Although these small villages have, over time, expanded and grown closer together, a pattern of historic fields remains. ^[3.224-3.225, 3.230(c)]
- 9.474 Public footpaths also form part of the legacy as linkages between the settlements and their surrounding fields; and between one settlement and another. A strong relationship also remains with the Chiltern Hills, overlooking the vale, and its pattern of valley and often well-wooded settlements. Overall there is a rich heritage patina.
- 9.475 From the vantage of the Chiltern Hills, undeveloped land encircling the villages to the south of Aylesbury is seen to be part of the fabric of the landscape. The impression of expansive open fields in the foreground of Stoke Mandeville, Weston Turville, and Aston Clinton is decidedly distinct.
- 9.476 Beyond these settlements, although separation from Aylesbury is apparent, the open land of Hampden Fields is, with the effects of distance and its partial setting of adjacent built-up areas, a less striking element. Although the proposed development would erode a relatively slender layer of green within the landscape, it would not undermine the characteristic relationship of the three adjoining settlements with the Chiltern Hills.

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- 9.477 More locally, the immediate environs of Weston Turville, beyond its adjoining small fields, would undergo substantial change with the loss of the larger agricultural fields beyond. Although field boundaries would often be retained, some would be more apparent than others with those within the built-up area itself effectively subsumed by the proposed development. [4.120, 3.207(c), 6.3(y)]
- 9.478 Many of the field boundaries within the site are the product of a fundamental change to the landscape following enclosure, by Act of Parliament, during the eighteenth and nineteenth centuries when a predominantly open landscape was subdivided by rectilinear boundaries. [3.226]
- 9.479 The Aylesbury Vale Environmental Character Assessment: Historic Environment Assessment identifies the area to the south of Aylesbury, taking in the appeal site, as having a mixed composition of parliamentary, and more modern, fields with the parliamentary enclosure incomplete and somewhat fragmented in nature. [4.115]
- 9.480 Parliamentary enclosure was not a single event and in many instances the newly defined fields were further sub-divided to enable farmers to manage their holdings and this is to be regarded as part of the overall process of enclosure. This is typified within Hamden Fields where the field pattern of 1799 is shown to be subject to sub-division by 1813 and the creation of further smaller parcels by 1882. The majority of these boundaries remain, and many of those originating before 1799 survive to the present day. [3.227, 3.229, 4.117, 4.119]
- 9.481 It is acknowledged that parliamentary enclosure with subsequent sub-division is not especially rare in the locality, and it is notably more prevalent than 'one-off' parliamentary enclosure. Nonetheless, and despite the changes which took place in the century following first enclosure, Hampden Fields has a rich heritage which can still be appreciated. Although it is intended to incorporate and reinforce historic hedgerows within the development, as an essential element of good planning practice and consistent with the guidelines for the landscape character area, the ability to read or appreciate the history of the landscape would be seriously diminished by built development. [2.224-2.225, 3.217-3.218, 3.228, 3.231, 4.118, 4.121]

West End Ditch

- 9.482 West End Ditch runs northward from West End, Weston Turville across the appeal site, coinciding with the line of the current public footpath, and thereafter beyond the site to Aston Clinton Road. Although its alignment remains intact, its setting as a route into and across fields has already been weakened by the adjacency of the manicured Weston Turville golf course, the proximity of housing in Bedgrove at its northern end and, in parts, views across the agricultural foreground to the backdrop of houses along Wendover Road. [3.230(b)]
- 9.483 The masterplan provides for the retention of the route as part of the north-south green spine; but the remaining association with the countryside would be lost and replaced by a 'journey' through a variety of 'urban' green spaces, a nearer presence of buildings and its crossing by the main east-west road through the site. These latter adverse impacts on the understanding of the nature and purpose of this ancient feature represent a further element of harm to the historic landscape. [4.121-4.122]

Ridge and furrow

- 9.484 The northern part of Hampden Fields also contains an area of ridge and furrow grassland; a feature which predates enclosure. It has survived well and there is nothing to suggest that it is in imminent danger of erosion or loss in physical terms. ^[3.230(a)]
- 9.485 Although the proposed development would only secure the retention of some 80% of the feature, the area to be lost is less distinct in its ridge and furrow formation. In addition, the area to be retained would be subject to a new low-intensity management regime which would offer biodiversity enhancement which could not normally be achieved through continuing agricultural use. ^[4.116]
- 9.486 The loss of part of the ridge and furrow would be a negative factor, but the remaining area would be sufficiently large, and enclosed by field boundaries, to ensure the protection and enhancement of a significant and meaningful part of the resource. The partial loss in historical terms, and also by reference to the Landscape Character Area guideline of seeking to preserve ridge and furrow, would be counterbalanced by the benefits of positive intervention.

Summary conclusion

- 9.487 The field boundaries of Hampden Fields have intrinsic value as an element of historic and social change which shaped the modern landscape; and the characteristic field pattern forms part of the setting to the villages to the south of Aylesbury. The open fields are not particularly distinct from the Area of Outstanding Natural Beauty; and the more apparent association of open fields to the south of the villages bordering the appeal site and the designated area would remain.
- 9.488 Within the site itself, notwithstanding the high proportion of important hedges to be retained, the appreciation of their role in history would be seriously compromised. Similarly the fundamental nature of West End Ditch would be diminished. Both of these weigh against the development in the overall planning balance.
- 9.489 However, the limited loss of ridge and furrow and improvement and management elsewhere is a neutral factor.

HAMPDEN FIELDS

The fourth main consideration: the loss of best and most versatile agricultural land

- 9.490 There is no dispute about the extent of best and most versatile agricultural land within the site, albeit some would not be built up on. ^[2.257, 4.124]
- 9.491 Historically, the Inspector who considered objections into the Aylesbury Vale District Local Plan viewed the loss (of some 38 hectares in that smaller site) as a major constraint to the allocation of the site; but the Core Strategy Inspector did not regard agricultural land quality in any of the option sites to be a determinative factor.

- 9.492 Such divergence of views appears to be explained, in part, by the then current policy guidance (Planning Policy Guidance 7 and Planning Policy Statement 7 respectively) and the particulars of housing land availability. Circumstances now are similarly different and up-to-date guidance is contained in the National Planning Policy Framework.
- 9.493 This requires consideration of the economic and other benefits of best and most versatile agricultural land. Whilst this has not been quantified, it appears that the overall value of the grade 3a land that would be lost is limited by its dispersal through the site, whereas a larger block would be more advantageous in agricultural terms; and proximity to the urban fringe and public footpaths may be a further inhibiting factor.
- 9.494 Nonetheless, the guidance makes plain that where significant development of agricultural land is demonstrated to be necessary poorer quality land should be used in preference to that of a higher quality. It is to be noted that much of the Fleet Marston site is grade 4. ^[3.8(e)]

HAMPDEN FIELDS

The fifth main consideration: highways and transportation

Introduction

- 9.495 The Consortium's package of highway measures, agreed with Buckinghamshire County Council, is set out in Statement of Common Ground dated 24 October 2013. The County Council's highway objection and the District Council's putative reason for refusal were withdrawn as a consequence. However, outstanding concerns were maintained by Barwood, the Action Group and interested persons. ^[3.232, 6.12-6.13, 6.17]

Background

- 9.496 The Transport Assessment (March 2012) set out the impacts of the proposed development as a singular project. The Revised Transport Assessment (November 2012) contained much in common with the earlier assessment and added a cumulative impact assessment with Land East of Aylesbury. Subsequent additional modelling was undertaken using the County Council's trip generation assumptions; and further commentary provided (SoCG1). ^[4.125-4.126, 4.137]
- 9.497 Thereafter, various other matters were raised by the County Council resulting in a succession of correspondence, meetings and the provision of further information leading to the concluded Statement of Common Ground. ^[3.232, 6.12-6.13, 4.127]
- 9.498 My analysis rests heavily on the matters explored at the Inquiry, and by way of assistance reference is made in the text to specific document extracts. The highways and transportation benefits associated with the project are summarised following the performance of selected junctions before reaching an overall conclusion on this main consideration.

Walton Street gyratory; Friarage Road(A41)/Exchange Street (A418) roundabout; and Wendover Road (A413)/Station Road, Stoke Mandeville (A4010)

- 9.499 The effects of the Hampden Fields development on the Walton Street gyratory were identified in the original Transport Assessment (March 2012), and also in the Revised Transport Assessment (November 2012). A particular feature of the existing junction is one of serious congestion with the major conflict, in the morning peak, arising from traffic entering from Stoke Road and heading northbound on Wendover Road. ^[4.128, 4.151]
- 9.500 The Baseline 2010 assessment (HF1.14 Table 4.23 at page 38) indicates that the gyratory is currently operating just above its operational capacity. In the morning peak Stoke Road has a degree of saturation of 104.9% and a mean maximum queue of 41 vehicles; and in the afternoon peak the saturation on Wendover Road is 107% with a mean maximum queue of 52 vehicles. The practical reserve capacity for the junction in the morning peak is minus 16.5% and in the afternoon peak it is minus 18.9%. This compares to the practice of seeking by design to secure a (plus) 10% reserve capacity.
- 9.501 Modelling at 2031 (HF1.14 Table 11.39 at page 99), by which time it is anticipated that the development of Hampden Fields would be complete, shows that the existing junction (with revised traffic light cycle times) would continue to experience congestion, notably in the morning peak, in the absence of the proposed development; with the most significant element relating to Stoke Road with a degree of saturation of 116.8% and a mean maximum queue of 118 vehicles. The practical reserve capacity would be minus 29.7% and in the afternoon peak it would be minus 3.3%. Again the junction would suffer congestion at peak hours with the morning effect particularly acute. ^[3.240, 4.153]
- 9.502 The addition of Hampden Fields would marginally exacerbate congestion in the morning peak, with a mean maximum queue length on Stoke Road of 131 vehicles and a practical reserve capacity of minus 31.8% (HF1.14 Table 11.40 at page 100). The mean maximum queue length for Wendover Road would also increase from 13 to 16 (against a 2010 baseline of 10) vehicles. ^[3.240, 4.153]
- 9.503 The afternoon peak would experience a slight improvement in practical reserve capacity to minus 2.7%. Sense testing using the County Council's trip generation assumptions identified the Consortium's forecasts to be marginally pessimistic; but not sufficient to underscore the unsatisfactory performance of the junction. ^[4.153]
- 9.504 Although the increased percentage total flow within the junction would be less than 5% in the morning peak and less than 1% in the afternoon peak, the significance of such seemingly minor increases would be heightened by the sensitivity of the junction in its already congested operation and its enhanced susceptibility to breakdown. This would have consequences for both private and public transport and it could result in some vehicles seeking out alternative, less desirable, routes. ^[4.153, 4.156]

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- 9.505 In such circumstances the conclusion in the original Transport Assessment that the effects of Hampden Fields would be relatively minor is seen to be lacking in justification and there is nothing to suggest that the initial step of increasing the flare length of Stoke Road would be an appropriate remedy. Similarly, the proffered allowance of £50,000 towards further design and technical studies would not have resulted in a sufficient level of mitigation.^[4.152]
- 9.506 Matters moved on with a review of traffic signal timings (SoCG1 Table 1.32 at page 23) which demonstrated that in the morning peak the degree of saturation would remain above 100% on entry from Wendover Road and on entry and through the junction for traffic from Stoke Road.
- 9.507 The review of traffic signal timings was accompanied by modelling of interim improvements to be delivered by the Hampden Fields development through the widening of Wendover Road from two to three approach lanes to tie in with the three lane circulatory carriageway of the gyratory (SoCG1 Table 1.33 at page 24).
- 9.508 Whilst this was predicted to improve conditions for users of Wendover Road in the morning peak, it would further compromise the Stoke Road approach and movement through the junction. In the evening peak, with particular reference to Wendover Road, the degree of saturation with the development would be less (and at 90% or below) than the 2031 base (i.e. without the development).
- 9.509 It can be seen therefore that, with the proposed development, mitigation would achieve improvements for users of Wendover Road; but this would be at a cost to drivers travelling from Stoke Road. The overall outcome would remain unsatisfactory; and this is reflected in the County Council's response (SoCG2 final bullet at page 3).
- 9.510 The Consortium acknowledged that the improvements to Wendover Road, at a cost of some £250,000, would overload the internal circulation of the junction and that the financial contribution could be applied to wider improvements for the gyratory as part of the County Council's intended improvements to Stoke Road in particular (SoCG3 at pages 9 and 10).
- 9.511 The County Council, in recognition of the internal constraints of the gyratory, floated the idea of removing the short circulatory link within the junction to the north of the Aristocrat public house (the Aristocrat link) in order to improve its throughput. It was recognised that the removal of the internal link would cause some drivers (e.g. those leaving Stoke Road to travel south along Wendover Road) to travel northwards to the Friarage Road/Exchange Street roundabout and then backtrack to continue in a southerly direction (SoCG5).^[4.157(b)(e)]
- 9.512 At this point a further factor entered the '*equation*' in the Consortium's offer to install (at its own cost) a Microprocessor Optimised Vehicle Actuation (MOVA) system to improve the operational efficiency of traffic signalling throughout the gyratory (SoCG6 at page 2). Whilst the system's credentials are striking (and prime candidates for conversion to MOVA include high flows; large, complex junctions; and sites suffering from prolonged periods of congestion) the potential benefits are expressed in general terms, and without specific application to the junction and wider network under consideration.^[4.154]

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- 9.513 As such, there could be no guarantee that the claimed improvements would materialise to the degree anticipated. Although the provision of MOVA could well be a valuable tool in securing increased flows, the lack of specific and quantified predicted improvement severely hampers the weight that could be attached to the proclaimed benefits of the technology.
- 9.514 In turn, the Consortium ran a model of the gyratory with the assumed closure of the Aristocrat link and the widening of the Wendover Road approach. Taking an overview, the combination of the proposed works and the development of Hampden Fields demonstrated a number of improvements across the junction (compared to the retention of the existing layout with optimised signal timings and no development).^[4.17(a)]
- 9.515 However, of particular note, whilst the entry from Stoke Road, in the morning peak, would see the degree of saturation reduce from 141% to 118%, with a reduced maximum queue of 258 to 124 vehicles, the circulatory flow would, in either scenario hover around the 100% mark (SoCG6 at page 4). The inevitable conclusion is that a very significant issue would remain with the operation of Stoke Road.
- 9.516 However, the situation would be different if Hampden Fields were to be developed in conjunction with Land East of Aylesbury, and with the construction of the Eastern Link Road, in that Stoke Road would experience a further reduction in saturation both on entry and in circulation (115% and 96% respectively). Some further improvement, albeit to an unknown degree, could be anticipated through the installation of MOVA (SoCG8 at page 3).^[3.241]
- 9.517 Nevertheless, in the evening peak the performance of the Stoke Road approach and the circulatory would worsen with saturation at 105% and 99% respectively (compared to 44% and 61% excluding Land East of Aylesbury and the Eastern Link Road). Again, the conclusion reached is that the Walton Street gyratory would remain under considerable pressure at certain times of the day.^[3.241]
- 9.518 The degree to which Land East of Aylesbury and the Eastern Link Road might affect the performance of the Walton Street gyratory is an unknown factor in light of the recent grant of planning permission for the development area and the terms of the related planning obligation.^[3.241]
- 9.519 Although a number of parties are strongly committed to securing the Eastern Link Road, there is every indication of it being dependent on funding associated with, at least, the progress of Land East of Aylesbury. For highways assessment, the worst case scenario should be assumed and in this case it remains relevant to consider Hampden Fields as a stand-alone development as each scenario produces different worst case outcomes.^[3.241]
- 9.520 One of the repercussions of improving the Walton Street gyratory would be the consequential effects of traffic displaced from the closed link and its transfer to the Friarage Road/Exchange Street roundabout. As part of this, and in order to accommodate vehicles heading north and intending to return south, extra capacity on the approach to the roundabout would be required in order to stack traffic. This would be achieved by removing the central reservation on Walton Street in order to provide a third lane for northbound vehicles (SoCG9).^[3.245(a), 6.21-6.22]
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- 9.521 Whilst there are known examples of other multi-lane roads which operate with nothing more than minimal physical division between opposing flows, there is justifiable concern that the removal of the central barrier, as a deterrent to pedestrians crossing, could lead to considerable danger as it cannot be assumed that all those on foot would seek out and use the safe crossing points by the roundabout and at the gyratory. However, this could legitimately be a matter of detailed design associated with a Stage 1 audit of the proposals. ^[4.157(i), 6.22, 8.86]
- 9.522 In terms of the roundabout itself, although there were predicted instances of saturation marginally above 90%, mean maximum queue lengths would be nominal and the Consortium expressed the view that the operation of the roundabout would be satisfactory to the extent that queues at the junction would be cleared during the green phases of the traffic signals (SoCG9 summary table). ^[4.157(h)]
- 9.523 However, concerns were raised by the County Council with particular reference to potential additional knock-on effects beyond the roundabout along Friarage Road and its signal controlled intersection with Great Western Street which is important for buses serving the railway station and using the bus station. ^[3.242]
- 9.524 Although the County Council, at this point, found the operation of both the Walton Street gyratory and the Friarage Road/Exchange Street roundabout to be acceptable, the absence of any modelling of the effects of the signalisation of the roundabout and the effect on buses at an important point on the strategic network represents a gap in understanding the likely effects of the proposed redistribution of traffic. ^[3.242]
- 9.525 With reference to the criticism made about the failure to provide full information of the modelling undertaken, there is nothing to suggest that the process was inherently unsound or that the summary results provided an insufficiently clear impression of the likely impacts of the proposed highway works on network performance. ^[6.18-6.19]
- 9.526 From the foregoing, the anticipation would be that the Consortium would make a financial contribution to the initial impacts on the Walton Street gyratory, arising from additional vehicles using Wendover Road, and a contribution to the consequential effects of that increased traffic on the junction itself.
- 9.527 The scale and nature of these works, whilst offering wider benefits, would in essence be a consequence of, and proportional to, the additional traffic generated by the proposed development. If the Secretary of State disagrees about the appropriateness of the contribution, the funds could be reassigned to the provision of affordable housing. ^[4.172-4.177]
- 9.528 The further works to Walton Street and the Friarage Road/Exchange Street roundabout would be pursued by the County Council.
- 9.529 However, there has been no formal public consultation on what has become an incremental evolution of far-reaching highway works. Whilst that would become the responsibility of the County Council in the making of the necessary Traffic Regulation Order, potential weaknesses remain an inherent part of the proposals for the Walton Street gyratory. ^[3.243, 4.158]

- 9.530 In this regard, whilst it was suggested that emergency vehicles would not be excluded from using the otherwise closed Aristocrat link there is nothing to show how this had been intended from an early stage. It is telling that the gyratory is an important route for emergency vehicles taking account of the proximity of both Stoke Mandeville hospital and the police station on Walton Street; and that no assessment had been made of the likely number of 'blue-light' vehicles using the junction. ^[3.249, 4.157(c)]
- 9.531 It also emerged in evidence, for the first time and without the apparent knowledge of the County Council, that buses might also be accommodated through the Aristocrat link. Although such vehicles could be fitted with a transponder to trigger the traffic signals to allow smooth passage through the gyratory, the potential for and the likely impact of several buses using the link over a short space of time has not been expressly considered. Given the traffic conditions at the junction as a whole, and the limited stacking within the link, the accommodation of buses adds a further uncertain element to the equation. ^[4.157(c), 6.16-6.17]
- 9.532 The modelling of the Walton Street gyratory and the impacts on the Friarage Road/Exchange Street roundabout has appropriately assumed, so as to determine the worst-case scenario for that part of the network, that all vehicles precluded from using the Aristocrat link would divert to the roundabout and return along Walton Street. ^[4.157(f), 3.244, 6.19-6.20]
- 9.533 However, given the fickle nature of motorists, some drivers might seek alternative routes and, with the limited crossing points over the railway, increase traffic on Mandeville Road, Lower Road, through the heart of Stoke Mandeville and on to Station Road in order to join Wendover Road. ^[3.242, 3.245(b), 3.247, 4.157(f), 6.19-6.20]
- 9.534 The roundabout junction of Station Road with Wendover Road also operates, currently, over capacity at peak hours with the performance of Station Road most likely to experience congestion in both peak periods (HF1.14 at page 31). This situation is predicted to continue at 2031 in the absence of Hampden Fields (SoCG1 at page 11).
- 9.535 By contrast, as a result of the proposed development and mitigation improvements to the junction, queue lengths on Station Road would reduce significantly in both peak periods. Nonetheless, the ratio of flow to capacity would be 109.3% and 102.9% in the respective morning and evening peaks. The clear indication is that the roundabout would still be saturated, albeit at a lower level, and delays would be a continuing characteristic. In the event of traffic migrating through Stoke Mandeville in preference to using the Walton Street gyratory route, congestion and traffic delays could be more acute than predicted as the effects of redistribution have not been modelled. ^[3.239(b), 3.246]
- 9.536 In terms of the implementation of the Walton Street gyratory and the Friarage Road/Exchange Street roundabout proposals, there appears to be an underlying confidence shared by the County Council and the Consortium that any potential deficiencies in the scheme, which might be identified as part of the Traffic Regulation Order process, could be resolved by design modifications. That process would involve extensive consultation which would include: - Town/Parish and District Councils; the emergency services; bus operators; and other organisations or individuals likely to be affected.

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- 9.537 However, given the potential knock-on effects of a scheme seeking to resolve existing congestion and to accommodate new development on the scale proposed, there could be no certainty that the joint aspirations of the County Council and the Consortium could be delivered. ^[3.243, 4.158(b)(c), 6.15]
- 9.538 In the event of a failure to secure an approved scheme, the planning agreement between the Consortium and the County Council would preclude the implementation of any grant of planning permission. Such potential uncertainty, and the possibility of a large committed development site, which would provide, by way of example, much needed housing and employment opportunities, to stand unoccupied and idle as a result of a fundamental constraint would not make good planning sense. ^[3.243]
- 9.539 The alternative of introducing more limited improvements, as originally envisaged before the escalation of the scheme, would not be an attractive proposition in that consequences of accommodating traffic from the proposed development with an easier passage into the gyratory would significantly increase overall congestion levels on the wider network leading to the conclusion that the wider cumulative impacts would be severe. ^[6.14-6.15]

Wendover Road (A413)/Wendover Way

- 9.540 Modelling of the junction, without Hampden Fields, shows efficient operation in 2031 with morning peak flows having a ratio of flow to capacity below 90%. The addition of the proposed development would increase flows on each of the three arms with values of between 87.8% and 95.4% (SoCG1 at page 18). However, queue lengths would be modest and there is nothing to suggest that the impact of Hampden Fields would be severe. ^[6.24(b)]

Wendover Road (A413)/South Eastern Link Road (Main Street)

- 9.541 The western access into Hampden Fields would join Wendover Road at a new signalised junction which is predicted, from the outset at 2031, to be over capacity in both the morning peak, with a practical reserve capacity of minus 0.4%, and in the evening peak, with a practical capacity of 3.1% (SoCG1 at page 6). Neither of these would meet the normal requirement for a practical reserve capacity of 10% (SoCG2 at page 2). ^[3.238, 6.24(b)]
- 9.542 However, it has been shown that despite the lack of spare practical capacity, the maximum degree of saturation on Wendover Road, using the County Council's trip generation rates, should be capable of operating without undue congestion; and the situation could be improved further, as necessary, by running the pedestrian crossing phases on alternate cycles (SoCG6 at page 5). However, the subsequent impact on pedestrians and whether or not they would be prepared to wait over two cycles is unknown.
- 9.543 Further enhancement would be achieved with the construction of the Eastern Link Road with significant practical reserve capacity achieved through pedestrian provision on every other cycle (SoCG at page 6); but this is not a factor of weight given the inherent uncertainty of this road being delivered.

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- 9.544 The reality of running the limited pedestrian crossing phases is predicated on the anticipated level of demand and crossing opportunities elsewhere on Wendover Road. One of those, where the *'traffic-free route to Hampden Fields'* (SoCG15 at Drawing 2826/SK/018) joins Wendover Road, which takes the form of an *'uncontrolled'* crossing point with a central refuge, is of particular relevance. This would provide an obvious *'desire line'* for residents, on foot or cycle, travelling to and from Stoke Mandeville railway station, notwithstanding signalised crossing points in either direction along Wendover Road. ^[4.142]
- 9.545 There can be no doubt that the proposed development would significantly increase the number of pedestrians and cyclists seeking to cross Wendover Road, particularly with commuter flows, without signal controlled provision. Whether or not that would be appropriate would rest with a safety audit; and, if provision were found to desirable or necessary, the resultant impact on traffic flows would have to be assessed. ^[3.237(a), 4.141]
- 9.546 Notwithstanding these *'unresolved'* matters the balance of the evidence suggests that, with or without the alternate phase pedestrian facility, Hampden Fields would have a less than severe impact on the highway network of Wendover Road/South Eastern Link Road (Main Street). In addition, if a controlled crossing were to be considered appropriate, there is nothing to suggest that it would have a material impact on traffic flows given its distance from critical junctions along Wendover Road.

Aston Clinton Road (A41)/New Road

- 9.547 The existing three arm priority controlled junction operates well within capacity (HF1.14 at page 30); and with the modifications proposed it would accommodate Hampden Fields as a stand-alone project.
- 9.548 However, in the event of the Aston Clinton Road Major Development Area proceeding to commencement and completion, the junction would experience some congestion in the morning and afternoon peak hours. The addition of Hampden Fields would, for the morning peak, reduce the practical reserve capacity from minus 4.1% to minus 8.5% with mean maximum queues of 12 vehicles in both instances (SoCG1 at page 9). ^[3.239(a), 6.24(b)]
- 9.549 In the evening peak the practical reserve capacity would improve slightly from 1.7% to 3.6% but with a continuing risk of congestion. Whilst the installation of a Microprocessor Optimised Vehicle Actuation (MOVA) signalisation system might improve that position, its potential site specific benefits have not been quantified.
- 9.550 The County Council took its initial concern no further as it considered the likely harm to be relatively short term having regard to its commitment to securing the Eastern Link Road. However, that itself is dependent on the allocation of funding with Land East of Aylesbury set to be a significant contributor; but the prospect of that development materialising remains uncertain.
- 9.551 Given the pendulum of imponderables, and having regard to the Consortium's claim that its own project would be a catalyst for the Aston Clinton Road employment area, the worst case scenario would be the two projects coming to fruition without the Eastern Link Road. ^[3.239(a), 4.24(e)]

9.552 In that event Hampden Fields would exacerbate conditions at the junction in the morning peak and, whilst MOVA might reduce the impact of the development, the likelihood of continuing congestion would remain. However, given the elements of the junction likely to be affected and the overall degree of congestion, although far from ideal, the impact of Hampden Fields on this part of the network would not be severe.

Tring Road (A41)/Broughton Lane/Bedgrove

- 9.553 The position at 2031, without Hampden Fields (but with the improvements arising from the development of the ARLA site) would be more acute in the evening peak with 4 of the 11 elements of the junction experiencing a degree of saturation marginally in excess of 100% and an overall practical reserve capacity of minus 15.9%.^[3.239(c), 6.24(b)]
- 9.554 Hampden Fields would lead to an improvement in the relative performance, with an evening practical reserve capacity of minus 12.8% (SoCG1 at pages 13 and 14). Although congestion would be a continuing factor, the effects of the proposed development would not be unduly adverse.

Tring Road (A41)/Oakfield Road (A4517)/King Edward Avenue

- 9.555 Congestion at these junctions would worsen as a result of the proposed development with the practical reserve capacity dropping from 0.2% to minus 5.3% in the morning peak and from minus 10.3% to minus 15.0% in the evening peak (SoCG1 at pages 20 and 21). The anticipated construction of the Eastern Link Road appears to be the only prospect of relieving these undesirable impacts; but its provision is uncertain.^[3.239(d), 6.24(b)]

Other highway matters

- 9.556 The South Eastern Link road through the appeal site would have the dual purpose of transferring east-west traffic between Aston Clinton Road (A41) and Wendover Road (A413) and serving the proposed development. As part of the strategic highway network it would link two principal roads within the general urban area of Aylesbury which have all of the characteristics of suburban streets (junctions, controlled crossings, bus stops etc). Existing transfer routes appear to be through established residential areas notably along Cambourne Avenue, Bedgrove (passing its local centre) or through Weston Turville.^[4.136]
- 9.557 Taking all these factors into account, although the new road would run through the heart of Hampden Fields, it is likely to offer a more appropriate transfer route, by design and appropriate management of through traffic, and there is nothing to suggest that it would not fulfil its intended role.^[6.24(a)]
- 9.558 Indeed the Local Transport Plan (3): Local Area Strategies acknowledges, within the urban strategy for Aylesbury, that new distributor roads will be carefully planned so that they serve both a local access and strategic purpose. Such 'Re-routing' would be consistent with the implementation plan's TRIM (Transfer, Re-route, Intercept, Manage) objectives (AV1.99 at page 26).

- 9.559 In terms of accessibility to Stoke Mandeville railway station, a significant part of the western neighbourhood would be within walking distance of the station and a greater part would be within cycling distance. A new bus service through the site and accessibility to established bus routes, including those along Aston Clinton Road, would provide ample opportunity to use public transport and also to access Aylesbury railway station as an alternative.^[6.24(c)]
- 9.560 The route, for pedestrians and cyclists, along Station Road to Stoke Mandeville railway station would involve the use of a shared facility generally 3.0 metres wide. However, on the north-western side of the road, to the south-west of Dorchester Close, the route would reduce to 1.9 metres on the approach to a signalised crossing.
- 9.561 Thereafter, on the opposite side of the road as far as Station Approach, a maximum of 2.0 metres would be available with the effective width reduced by a tall boundary fence (SoCG18 Drawing No 2826/SK/023 Rev B). These pinch points would have the potential to cause conflict between users, and a risk to their safety in the event of straying off the footway.^[3.237(b), 4.124]
- 9.562 Whilst comparison is inevitably to be made with Fleet Marston and the A41, material differences exist in that the A41 has greater traffic flows; the single shared facility from Fleet Marston would have a higher potential for single direction and opposing flows; and the route linking the development to Aylesbury Vale Parkway station, Berryfields and Aylesbury would involve more than a single railway station destination. In acknowledging that the situation on this part of Station Road would not be ideal, the deficiency in provision is a factor of minimal weight.^[1.48(b)]
- 9.563 There would also be a short length of reduced width shared footway/cycleway on the southern side of Aston Clinton Road (SoCG18 Drawing 2826-SK-030 Rev A (Inset C)). However, this would be along part of one of the multiple routes serving the proposed development with limited potential for a high concentration of trips given the manner in which the proposed layout would spread journeys in different directions. Overall, the shortfall is of very little consequence.^[1.48(b), 3.237(c)]

Other transport considerations

- 9.564 The proposed development includes a package of measures to reflect the TRIM (Transfer, Re-route, Intercept, Manage) objectives of the Local Transport Plan (3).^[4.149-4.150]
- 9.565 In terms of 'Transfer', the proposed walking and cycling routes would be comprehensive and well connected to a variety of principal destinations, subject to the qualification of the criticisms raised in respect of joint pedestrian/cycle provision on part of Station Road, Stoke Mandeville and on part of Aston Clinton Road. The edges of the site are already served by bus routes along Wendover Road and Aston Clinton Road and the provision of a bus service into or through Hampden Fields would offer good connectivity to the town centre and other destinations (SoCG17 at page 24).^[4.140, 4.142, 4.148]

- 9.566 Re-routing has already been considered at paragraphs 9.556 – 9.558 above. The ability to *'Intercept'* inward journeys and transfer them to public transport would be secured by the development of the proposed park and ride facility. Finally, the ability to *'Manage'* the transport network to make best use of capacity for all travellers would arise from the preceding three criteria and the mixed-use, *'sustainable'*, nature of the development and its accessibility to bus routes, railway station and Aylesbury town centre.^[4.143-4.144]
- 9.567 The development would also deliver improvements to the performance of a number of existing junctions without mitigation measures, notably as a result of the redistribution of traffic. These would include Wendover Road (A413)/Marroway (B4544); Marroway/New Road; Tring Road (A41)/Broughton Lane and Tring Road/Bedgrove; and Aylesbury Road/Weston Road. The reduction in traffic through Weston Turville would also have environmental and amenity benefits.

Financial contributions

- 9.568 The highways and transportation provisions of the planning obligation with Buckinghamshire County Council include the sum of approximately £1,300,000 towards the provision of public transport services; over £400,000 for bus priority measures between the site and Aylesbury town centre and real time information at three existing bus stops; travel plans for both the commercial and residential elements of the proposal; and cycle rack facilities at Stoke Mandeville railway station. All of these elements would meet the tests set out in the Community Infrastructure Levy Regulations 2010.^[4.138, 4.178]
- 9.569 In terms of the proposed park and ride site, Policy AY.15 of the Aylesbury Vale District Local Plan reserves a site for this purpose within the Aston Clinton Road Major Development Area. However, development has not commenced and there is no guarantee that it would materialise there.^[4.139, 4.168(a)]
- 9.570 Although, the proposed facility at Hampden Fields would serve wider needs than the development itself, modal transfer along the A41 corridor is an important objective and the related increased appeal of public transport for the residents and employees of Hampden Fields would be a significant step towards minimising the use of the private car.
- 9.571 Despite the overlap between wider transport infrastructure improvements and the direct needs of the development, it would not be unlawful to take the obligation into account, albeit its weight is tempered to a limited degree as a result of the wider public benefits beyond those necessary for the development itself.
- 9.572 Provision is also made for a financial contribution of some £9,500,000, less the cost of improvements to the Walton Street gyratory, in the form of a *'Strategic Transport Infrastructure Fund Contribution'*. This would provide the County Council with a choice in applying the fund to the park and ride facility; the Aston Clinton Road Primary Public Transport Corridor; the southern section of the Eastern Link Road; or improvements for, or related to, the Wendover Road corridor.^[4.145-4.147, 4.155, 4.164-4.165, 4.168(d)]

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- 9.573 Whilst the provision of a *'shopping list'* creates the impression of uncertainty, improvements to the Aston Clinton Primary Public Transport Corridor and the Wendover Road Primary Congestion Management Corridor are stated policy objectives. Given that these routes would be primary access routes to and from Hampden Fields, and both would cater for journeys into the town centre, such improvements would be an essential prerequisite to a major mixed-use development dependent on routes which are already congested to varying degrees. The consequential benefits to other road users would not undermine the veracity of the contribution to a material degree. ^[3.234]
- 9.574 In terms of the southern section of the Eastern Link Road, although the Core Strategy Inspector, in 2010, was not convinced about the need for this part of the road, the intention to provide the route gained momentum through the Vale of Aylesbury Plan and acknowledgement that it was a key element of strategic infrastructure. ^[3.234, 4.129-4.135, 4.146, 4.168(b)(e)]
- 9.575 Whilst the plan has stalled, and no weight can be given to that expression of intent, planning permission has been granted for Land East of Aylesbury which is a key to unlocking the route. Whether or not development proceeds remains to be seen but, if it does, the construction of that part of the link road through that site is likely to precipitate and strengthen the desire to complete the route and to link it with the South Eastern Link Road through Hampden Fields. ^[3.235-3.236, 4.169]
- 9.576 In that event, the application of the funds provided by the Hampden Fields development could be seen to arise from the proposed development as part of the wider highways network in providing a link to Bierton Road/Aylesbury Road (A418) and destinations in the direction of Milton Keynes; and to Bicester Road (A41) without passing through the town centre.
- 9.577 Whilst that might be said to be supporting greater car usage, the transfer of vehicles from Aston Clinton Road/Tring Road (A41) would facilitate improvements along that corridor for public transport into Aylesbury. Moreover, there are identified road junctions where the provision of the Eastern Link Road is recognised as necessary to accommodate the increased impact of Hampden Fields.
- 9.578 The completion of the Eastern Link Road would again provide a wider public benefit; and whilst it might be a fine line between exploiting the proposed development to secure a wider objective and mitigating recognised impacts, it could not be said that the relationship with Hampden Fields, in terms of the recognised tests, was so tenuous as to be of no weight.
- 9.579 Again, it is to be noted that if the Secretary of State comes to a different view, in so far as the scale of benefits was not, in part or in whole, fairly and reasonably related to the development, provision is made for the relevant part of the fund to be re-attributed to increase the level of affordable housing. ^[4.170]

9.580 The flexibility to be applied in allocating funds is understandable in that there are several legitimate competing interests for which priorities are likely to be set according to the greatest scope for securing overall improvements to the operation of the network, the attractiveness of public transport and potential alternative funding mechanisms. Given that any of the individual projects, either in isolation or in combination, would provide mitigation to the effects of developing Hampden Fields there is no basis to question its legitimacy within the obligation.

Summary conclusion

- 9.581 A scheme on the scale of Hampden Fields, on an urban edge, with busy road corridors can be expected to add to congestion at certain critical junctions; and, with mitigation and re-routing, some junctions would see improvements. Financial contributions for improving road conditions and the attractiveness of public transport are material considerations.
- 9.582 It is evident that a number of existing junctions within the vicinity of the appeal site currently experience congestion at peak hours; notably the Walton Street gyratory. Hampden Fields would compound the difficulties and delays currently experienced on part of the network which is subject to considerable stress. Consequently, mitigation would be essential in order to make the development acceptable.
- 9.583 Proposed works on Wendover Road showed some improvements on that arm of the junction; but already dire conditions on the approach from Stoke Road would have been made even worse. That would not be acceptable.
- 9.584 Reorganisation of the gyratory, with the closure of the Aristocrat link, was shown to be beneficial; but no assessment had been made of the likely impact of allowing buses and emergency vehicles to use the link; the benefits of improved traffic signalisation technology could not be predicted with any certainty; and modelling of consequential effects on two other junctions, of importance to public transport and of relevance to Station Road, Stoke Mandeville, had not been undertaken. The implementation of the gyratory scheme would also hang on the outcome of a Traffic Regulation Order.
- 9.585 The majority of junctions along Aston Clinton Road are likely to operate satisfactorily, although the junction with Oakfield Road and King Edward Avenue would suffer additional strain. A number of other junctions would experience reduced flows as a result of the development.
- 9.586 Overall, the benefits would be substantial. However, applying balance to the matter of highways and transportation, the circumstances of the Walton Street gyratory are so critical that without a comprehensive and satisfactory resolution compelling reservations remain.

HAMPDEN FIELDS

The sixth main consideration: conditions and obligations

Conditions

- 9.587 **Conditions 1 – 8** set out the details required, and timescales for, the submission of reserved matters. The scope of the permission, with reference to the approved plans, is set out in **Condition 9**. However, the qualification of allowing variation by agreement should be removed as it does not reflect best practice in wording conditions.
- 9.588 Following my conclusions in paragraphs 9.391 – 9.396 and 9.440 above it is necessary to qualify Condition 9 by the addition of two further conditions to define the permission and the relevant drawings. These, originally identified as A1 and A2, have been inserted as **Conditions 10 and 11** with all subsequent conditions renumbered.
- 9.589 Agreed Design Codes for individual character areas within the site, in **Condition 12**, are important to secure good design; and the limit on the number of dwellings to be built, in **Condition 13**, is consistent with the terms of the application.
- 9.590 In the interests of amenity and safety, **Condition 14** requires the development to be undertaken in accordance with an approved Construction Management Plan; and **Condition 15** controls hours of site works, again, in the interests of amenity. Landscaping, tree protection and ecological interests would be secured through **Conditions 16 – 19**.
- 9.591 Considerable preliminary work has been undertaken on flood risk assessment and identified mitigation, and the provision of appropriate arrangements for surface and foul drainage would be catered for in **Conditions 20 and 21**. Given the known archaeological interests within the area, **Conditions 22 and 23** would provide appropriate safeguards.
[4.10(h), 4.25-4.29]
- 9.592 In addition to the Design Code requirement for sustainable design and construction (in Condition 12(c)), **Condition 24** reflects the important aim of national policy in seeking to reduce greenhouse gas emissions by setting a minimum requirement for decentralised, renewable or low carbon energy sources.
- 9.593 The provision of local shops, of an appropriate scale, is defined in **Condition 25**; and measures for waste management and details of finished building and site levels are important amenity considerations which would be met through **Conditions 26 and 27**.
- 9.594 **Condition 28**, requiring highway details to be approved by Buckinghamshire County Council needs to be amended in favour of the District Council as local planning authority. The disposal of surface water from roads, in **Condition 29**, is a relevant consideration as is the provision of access roads, in **Condition 30**, for the employment and commercial development within the site. The latter condition does not need to set out a requirement for the local planning authority to act in consultation with the County Council.

- 9.595 The other two highway conditions, **Conditions 31 – 32**, are necessary in the interests of highway safety and to ensure appropriate parking and manoeuvring arrangements. There is no need to specify that the developer will be expected to enter into an agreement with the highway authority; and reference to parking standards in a Supplementary Planning Document is unnecessary as this document would, in any event, subject to remaining currency, be a material consideration.
- 9.596 The provision of high speed broadband, **Condition 33** refers, is an important component of modern development and an objective of government. The condition should be reinforced by requiring a timetable for implementation.

Planning obligations

Planning agreement:

The Consortium and Aylesbury Vale District Council

- 9.597 Clause 20 in the interpretation of the deed states: - *'If the Secretary of State states clearly in his decision letter granting Planning Permission that one or more of the Obligations in this deed are in whole or in part unnecessary or otherwise in whole or in part fail to meet the statutory tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 then the said Obligation or Obligations shall to that extent not apply and shall not be enforceable by the Council'*.
- 9.598 Moving beyond the description of the development and the provision of a parent company guarantee/bond obligations, in the first and second schedules, the third schedule provides for the development to proceed in accordance with an agreed phasing plan and programme of implementation. This is necessary to secure proper planning and to enable the Council to monitor the progress of the project. ^[4.160, 4.161(a)-(c)]
- 9.599 Affordable housing is in the fourth schedule with provision on site at a level within the parameters of Policy GP.2 of the Aylesbury Vale District Local Plan and related supplementary planning guidance. Flexibility, reflecting the consideration of development economics, is ensured through phased viability reassessments; the units would be distributed throughout the development, and the new homes would meet well-defined standards. ^[4.161(d), 4.162(a)]
- 9.600 The fifth schedule sets performance requirements for the relative timing and provision of affordable and market housing within a phase; the criteria for occupation; and, in the event of the final stages of the development being capable of delivering above a defined level, a financial contribution would be made to fund additional off-site units. ^[4.161(e)]
- 9.601 The provision and occupation of affordable housing, as set out, also reflects the government's aim to see the delivery of a wide choice of high quality homes within sustainable, inclusive and mixed communities.
- 9.602 Structural landscaping, described in the sixth schedule, with provision for amenity land, play facilities, community orchard, allotments, sports facilities and subsequent availability for public use and ongoing

management and maintenance, is an integral component of promoting healthy communities through high quality public spaces. It is underpinned both by development plan policies and the National Planning Policy Framework. ^[4.16-4.19, 4.161(f), 4.162(c)]

- 9.603 The seventh schedule requires financial contributions towards the provision and/or improvement of swimming pools and synthetic turf pitches within Aylesbury; a further contribution to indoor sports provision within Aylesbury if the community building to be erected at Hampden Fields is not capable of being used for indoor sports facilities (being two badminton courts); and a contribution towards the provision and/or improvement of entertainment facilities within Aylesbury.
- 9.604 However, that would only fall due in the event of the developer failing to provide a hall within the development, with a stage, and capable of seating 200 people. A further contribution is itemised for strategic green infrastructure for the improvement and/or enhancement of existing strategic green infrastructure in the vicinity of the town. ^[4.161(g)-(i), 4.162(d)-(f)]
- 9.605 In my consideration of Fleet Marston, and the Council's request for similar payments, the figures requested were challenged and stood without commentary and absent any apparent assessment of the viability of the development. Whilst agreement here is not decisive, as the government is clear that obligations must be fully justified, a major urban extension would inevitably put increased pressure on 'higher-level' public facilities that serve a wider catchment than a single development.
- 9.606 Accordingly, the principle of making a contribution to facilities which are likely to attract residents from Hampden Fields (such as swimming pools; synthetic turf pitches; entertainment facilities; and open spaces) in order to make the development acceptable in planning terms, and with a direct relationship to the needs of a new community, would not be unreasonable.
- 9.607 As to whether the contributions would be reasonably related in scale and kind the Consortium's review of related local plan policies in relation to the (then) proposed Heads of Terms (HF/2/2: Appendix 8) records the calculated sums (carried forward into the planning agreement) as '*in line with Sports and Leisure SPG requirement*' and '*in line with Aylesbury Green Infrastructure Strategy requirement*'.
- 9.608 Moreover, these sums are included within the viability assessment (HF/8/1: page 29) indicating that the economics of the development have been taken into account. Accordingly, there is an evidence base and an '*affordability*' assessment to demonstrate overall compliance with the statutory tests.
- 9.609 Turning to the eighth and ninth schedules, the provision of a temporary health centre, if required, the making available of a site for a health centre and a strategy for marketing would be consistent with the anticipated needs of the development for community facilities and services. So too would be the commitment to a temporary community building, if required, and a permanent facility no later than a defined milestone related to the occupation of a specific number of dwellings. ^[4.161(j)(k), 4.162(g)]

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- 9.610 The obligation, in schedule ten, to secure employment opportunities at an early stage in the development is an important component of a mixed-use sustainable urban extension. ^[4.161(l)]
- 9.611 The provision of a public art scheme, in the eleventh schedule, is not required by any development plan policy; and Planning Practice Guidance singles out contributions to public art *'which are clearly not necessary to make a development acceptable in planning terms'*. ^[4.161(m)]
- 9.612 However, the Revised Design and Access Statement for Hampden Fields includes a *'public art strategy'* which will deliver pieces of art at strategic locations within public open spaces or other parts of the public realm network. It is also the intention to engage the new community within the commissioning process to engender a sense of ownership of the art works and to promote access, understanding and the enjoyment of the public art programme.
- 9.613 This very precise, site-specific, justification reflects government ambitions for good design; making places better for people to live; the provision of high quality public spaces; facilitating social interaction; and creating inclusive communities. These important associated benefits would, for a relatively modest financial investment, significantly enrich the quality of the development in both physical and social terms. It can be concluded that the obligation would be directly related to the development and it would be fairly and reasonably related in scale and kind.
- 9.614 As to the test of necessity, it is clear that the Consortium regards public art to be a necessary element of its strategy for place making and community building; it is not a contribution sought by an authority as a *'general tariff'*. The fact that such a strategy would make the place better, as opposed to acceptable, should not undermine the content of the obligation and the weight to be attached to it.
- 9.615 The twelfth schedule contains a viability reassessment mechanism for the delivery of affordable housing which seeks to achieve a balance between the viability of the development and maximising the construction of affordable units. It represents a justifiable prudent approach. ^[4.161(n)]
- 9.616 The thirteenth and fourteenth schedules relate to flood alleviation associated with the Wendover Brook and ecological mitigation to include the provision of a small area of compensatory land, to be suitably cropped and managed, for a specific species of bird. Both provisions meet the three statutory tests to be applied to planning obligations. ^[4.25-4.29, 4.161(o)(p)]

Planning agreement:**The Consortium and Buckinghamshire County Council**

- 9.617 None of the elements of the agreement, which include, in schedule 1, works or contributions towards education provision (children's centre; primary and secondary schools; and special education needs) are controversial or challenged by other parties. ^[4.163]

- 9.618 A statement by an education consultant appointed to advise the Consortium (HF/2/2: Appendix 10) confirms that the County Council has an adopted Planning Obligations Policy for Education provision that sets out, in detail, how it assesses and forecasts impacts on its schools from residential development; and how it calculates contributions to be sought, consistent with national guidance and Policy GP.94 of the Aylesbury Vale District Local Plan.
- 9.619 The conclusion is that the identified costs appear to be fair and reasonable and compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. There is nothing to undermine that opinion; and the obligation attracts full weight.
- 9.620 The obligation in schedule 2, relating to highway works contains a number of elements and is discussed in paragraphs 9.568 – 9.580 above. ^[4.15, 4.164-4.178]

Summary conclusion

- 9.621 In the event that the Secretary of State decides to allow the appeal and to grant planning permission for the development proposed, a comprehensive list of recommended conditions is set out in Annex E(ii) to this Report.
- 9.622 The planning obligations with the District Council and the County Council are compliant with the Community Infrastructure Levy Regulations 2010 and should be taken into account as set out above.

HAMPDEN FIELDS

The seventh main consideration: the overall planning balance

- 9.623 The consideration of housing land supply is set out in the overall planning balance for Fleet Marston at paragraphs 9.351 – 9.354 and, although not repeated, it is equally applicable to Hampden Fields.
- 9.624 In short, that part of the development plan is out of date; the district does not have an appropriate objectively assessed evidence base of housing requirements or a five year supply of specific deliverable sites; and there has been persistent under delivery of housing.
- 9.625 Similarly, the approach to paragraphs 49 and 14 of the National Planning Policy Framework is set out earlier in paragraphs 9.353– 9.354 above. As before, the Framework says, there are three dimensions to sustainable development: - economic, social and environmental. The proposed development would be consistent with the economic and social roles by facilitating growth and providing homes. ^[4.179(a)(i)(ii), 4.179(c)(d)(f)]
- 9.626 Looking at the environmental role, and the landscape and visual effects of the proposed development, although Hampden Fields would have a fundamental adverse effect of the Southern Vale Landscape Character Area, the proposed development, in visual terms, would be capable of establishing itself without undue impact on the appearance of the landscape or on the scenic beauty of the Chilterns Area of Outstanding Natural Beauty. Existing local residents on the edges of part of the site would lose rural aspect, but their outlook into the new built-up area would generally be softened by new green infrastructure to the extent that no material harm would arise. ^[4.179(a)(iii)]

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- 9.627 Extending the environmental role to include the consideration of coalescence and settlement identity, set out as the second main consideration, with such close association between Aylesbury, Stoke Mandeville and Weston Turville, and placing Hampden Fields in their midst, a degree of coalescence would be inevitable. However, as a result of sensitive masterplanning, physical attachment of one built-up area with another would, for the most-part, be limited and in many instances there would be separation afforded by green infrastructure. ^[4.179(a)(iii)]
- 9.628 The driving of a new road through the limited gap between Bedgrove and Stoke Mandeville would add an urbanising influence, as would the access between Stoke Mandeville and Weston Turville. Nonetheless, built development would be contained and set back so as to minimise the impression of coalescence and to maximise the necessary regard to be had to settlement identity. ^[4.179(a)(iii)]
- 9.629 Whilst the Hampden Fields sports and recreation facilities would draw in the residents of Stoke Mandeville and Weston Turville as part of their common use, the impact on overall settlement identity would be minimal. Importantly, the distinct identities of their core areas, both with Conservation Area status, would remain. Similarly, although people living in Aylesbury would also have the opportunity to use the facilities, the separation of the built areas would again provide clear distinction between the new development and Bedgrove. ^[4.179(a)(iii)]
- 9.630 Overall, the proposed urban extension, following the design principles of a garden suburb, would, despite its overall scale, have a comparatively minor impact on the appearance of the landscape and on settlement identity. Nonetheless, given the unambiguous content of Policy RA.2 of the Aylesbury Vale District Local Plan the proposal would conflict with the development plan; and the effective loss of the landscape character area to development would be at odds with the Landscape Character Area guidelines. ^[4.179(a)(iii), 4.179(h)-(j)]
- 9.631 Moving on to heritage assets, Hampden Fields has an historic pattern of fields and hedgerows associated with the movement of parliamentary enclosure. The masterplan has sought to integrate these into the layout of the site, and to reinforce them where necessary, consistent with good design principles. Nonetheless, the ability to appreciate the sense of history, related social change and how enclosure affected field patterns and the landscape would be seriously diminished by the loss of those fields to built development.
- 9.632 Similarly, whilst acknowledging the importance of retaining the route of West End Ditch, its role as an historic pathway across the countryside would fade into relative obscurity with its new setting amongst green spaces of a wholly different character and aspect, with more immediate buildings and severance by the spine road across the site.
- 9.633 An area of ridge and furrow would also be lost but this negative factor would be neutralised by the benefit of securing protection and management to the greater part of the feature.

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- 9.634 In the assessment of the effects on heritage assets, none of the features have statutory protection or a particular degree of uniqueness within the context of Aylesbury. In addition, the proposed development would result in a contextual loss as opposed to a physical loss. Such adverse impacts warrant moderate weight in the overall planning balance. ^[4.179(l)(m)]
- 9.635 Turning the fourth main consideration, the National Planning Policy Framework indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and, where development of agricultural land is demonstrated to be necessary, endeavours should be made to use areas of poorer quality land.
- 9.636 The development of grade 3a farmland within part of the site would represent an irreversible loss of that resource. However, the higher grade land lies amongst lesser parcels with the latter tending, generally, to influence and relegate the use of the former to the lowest common denominator. Moreover, public access across the site and immediate proximity to the built-up area and recreational pressures are elements which commonly affect agricultural practice. Again, these qualified negative matters need to be applied to the overall planning balance.
- 9.637 The fifth main consideration of highways and transportation is, as in the case of Fleet Marston, highly contested and controversial despite the County Council being party to a statement of common ground. At the outset, it is to be recognised that as a result of the overall package of measures a number of existing junctions would either have reduced traffic movements or work more effectively; a park and ride facility would be provided; and the development would contribute to the Transport Plan's TRIM (Transfer, Re-route, Intercept, Manage) objectives and provide significant funding for a range of highways infrastructure. ^[4.168, 4.179(e)]
- 9.638 The focus falls on the Walton Street gyratory which suffers from serious congestion and the conclusion that mitigation is required to make the development acceptable in planning terms. A scheme of mitigation has evolved but its final form leaves a number of matters uncertain. However, the scheme could only be implemented, and any prior planning permission could only be realised, consequent on the confirmation of a Traffic Regulation Order given the terms of the planning agreement with the County Council.
- 9.639 The gyratory scheme, in its widest sense, has developed with the collaboration of the highway authority and there is nothing to suggest that the County Council would not proceed to publish a draft order. The effect of precluding any development at Hampden Fields until such time as the order has been confirmed can be likened to the effect of a negative planning condition.
- 9.640 In this regard, Planning Practice Guidance advises that conditions worded in a negative form '*..... should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. Where the land or specified action in question is within the control of the local authority determining the application (for example, as highway authority where supporting infrastructure is required) the authority should be able to present clear evidence that this test will be met before the condition is imposed*'.

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- 9.641 Given the processes to be followed, although it cannot be said that there are *'no prospects'* of the gyratory scheme being sanctioned, there could be no certainty that the order would be confirmed.
- 9.642 Without confirmation, the ability to implement any planning permission would be frustrated and this would, in turn, hinder the government's call to boost significantly the supply of housing and economic development with potential knock-on effects for the consideration of any other deliverable site, as may be, or the allocation of sites through the development plan.
- 9.643 Although the refusal of planning permission would leave a large shortfall in housing land supply and lost job opportunities, it would not make sound planning sense to approve a major urban extension with known highway deficiencies, an incomplete solution and uncertainties about deliverability until the relevant parties have modelled the full effects of the project and can demonstrate that these can be mitigated, managed and implemented.
- 9.644 Paragraph 32 of the National Planning Policy Framework explains that *'..... development should only be prevented or refused on transport grounds where the residual cumulative impacts of development would be severe'*.
- 9.645 In this regard, having identified severe residual cumulative effects prior to mitigation, and recognising the considerable steps made to find an appropriate solution, the position reached is one where the modelling and the assumptions made have not achieved a sufficiently comprehensive and proven scheme to mitigate those effects. The added concerns about the potential impacts on the delivery of the development and the resultant implications are also relevant. In combination these factors weigh heavily against the benefits of the project.
- 9.646 In terms of the planning conditions and agreements there are no material shortcomings.
- 9.647 Before making the final balance, the views of the local community, expressed in large numbers in writing and as a represented Rule 6 party at the Inquiry, are important in that the National Planning Policy Framework, in the first core principle, confirms that planning should *'be genuinely planned, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for their area'*.^[6.26-6.28]
- 9.648 However, up-to-date plans are not in place for the district or at a more local level, and in the absence of an identified supply of housing land to meet the likely needs of the district, planning decisions need to be taken to deliver homes and employment. Although those decisions should pay particular regard to the voice of the community, the underlying consideration is whether the views expressed are consistent with the guidance in the National Planning Policy Framework when read as a whole.
- 9.649 Bringing all of the above matters into the overall planning balance, there is an unequivocal need for the provision of new market and affordable homes in Aylesbury, and there would be economic benefits arising from the employment development proposed. The design and layout of the site, following garden city principles, offers the prospect of a high quality living and working environment consistent with the call for good design which is a key aspect of sustainable development.

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- 9.650 The proposal would also provide other identifiable benefits, not least the overall concept of undertaking a mixed-use development bringing together homes, jobs and related community facilities and services. The contents of the planning agreements are also a significant factor.
- 9.651 Although there would be a loss of countryside and the various roles which it fulfils, and there would be some loss of historic landscape features, the adverse effects would be very limited and mitigated to a significant extent by the provision of green infrastructure, the delivery of 'flagship' projects and a major recreational asset on the southern periphery of Aylesbury. The green infrastructure would also secure biodiversity benefits and flood alleviation to the town. ^[1.47(c) -(f)(i), 4.10(h), 4.161(o), 4.179(k)]
- 9.652 Overall, the benefits of the project would be very substantial and would be sufficient to outweigh the shortcomings of the main considerations described above, both individually and cumulatively, including conflict with Policy RA.2 of the Aylesbury Vale District Local Plan. On this basis the proposal would be sustainable development within the meaning of the National Planning Policy Framework when considered as a whole and the presumption to grant planning permission unless the adverse effects of so doing would significantly and demonstrably outweigh the benefits.
- 9.653 That leaves the single issue of highways and transportation to be balanced with a project which would deliver homes and jobs in a manner consistent with government policy. The balance is a particularly fine one.
- 9.654 The National Planning Policy Framework requires a positive approach to decision-taking in order to foster the delivery of sustainable development; and decision-takers at every level should seek to approve applications for sustainable development where possible. It is acknowledged that the right information is crucial to good decision-taking, particularly where formal assessments are required, and early engagement with the relevant authorities is to be encouraged.
- 9.655 Although the Consortium has worked collaboratively with the highway authority, and the joint approach has been to look for solutions, the overall position reached, albeit to the satisfaction of the District Council, the County Council and the appellant, was one where the severe residual cumulative impacts of the development on the Walton Street gyratory have not been shown to be capable of mitigation in a comprehensive manner and without adverse impacts on the wider highway network.
- 9.656 Moreover, notwithstanding the potential impacts on the wider network, the ability to implement the key element of the Walton Street gyratory would be subject to a separate consenting regime, the successful outcome of which could not be guaranteed. Without this crucial element, the benefits to be delivered through any planning permission could not be fulfilled.
- 9.657 These drawbacks are very considerable and in the final analysis provide a telling balance against what would be an otherwise acceptable scheme and the grant of planning permission.

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WEEDON HILL**The first main consideration: the landscape and visual effects*****Landscape character – the western parcel***

- 9.658 The majority of the western parcel of the appeal site, with the exception of the land identified for a park and ride facility as part of the Weedon Hill Major Development Area and a sliver of land along the northern boundary within the Weedon Ridge Landscape Character Area, is located in the Northern Vale Landscape Character Area. It forms part of a much larger, well-defined, field which reflects one of the key characteristics (large open arable fields) of the character area. ^[2.281, 5.16]
- 9.659 The western parcel as a whole is influenced, to a degree, by its adjacency to Buckingham Park, Buckingham Road, the connecting spur road into the development (and forming part of the Western Link Road) and the two related roundabouts and associated street furniture. These urbanising influences impinge to a greater extent on the identified park and ride facility due to its predominantly open boundaries and adjacency to the identified elements. ^[1.27, 5.3-5.4, 5.6, 5.15]
- 9.660 As to the remainder of the site, increasing elevation leads into the wider agricultural landscape and a clear affinity with the open countryside. The strong hedgeline along the northern boundary of Buckingham Park, whilst not fully screening the development, provides a tangible distinguishing feature which limits the influence of the built-up area on the Northern Vale Landscape Character Area. ^[1.27, 5.7]
- 9.661 The route of the Aylesbury Western Link Road, sweeping north-westwards from the smaller of the two roundabouts and across the field within which the appeal site is set, will inevitably exert an influence on part of the character area, not least by its severance of the traditional field pattern. However, its effect on the relationship of the unallocated part of the appeal site with the wider open countryside would be somewhat limited in that the road will generally lie beyond the shoulder of the hill, which defines the arcing south-west to north-west boundaries of the site. ^[2.86, 5.15, 5.20]
- 9.662 It cannot be denied that the adjacency of Buckingham Park and the new road link are notable features. However, in the approach along Buckingham Road, from the north, the transition to the built-up area of Aylesbury is more-or-less immediate with clear demarcation between the built-up area and the open countryside. In the opposite direction, beyond the roundabout on Buckingham Road, the sweep of rising land to a skyline horizon, and the focus of buildings and trees at Weedon Hill Farm, reinforces the inherent countryside character. ^[2.284-2.286, 2.289(c)]
- 9.663 The allocated park and ride site, if implemented would, of course, extend urbanising influences beyond those already recognisable. However, the facility would be outside the character area and its influence would not extend beyond the well-defined break in slope of the appeal site and the planting associated with Weedon Hill Farm. As such its impact on the Northern Vale Landscape Character Area as a whole would be minimal. ^[5.5, 5.20]

- 9.664 Unlike those limited impacts of a predominantly open land use, the Weedon Hill proposals would introduce a range of new buildings extending towards the ridge. Although development within the vicinity of the ridge would be restricted to a maximum of 6.0 metres in height, it would stand some 4.0 – 5.0 metres above the open boundary of the site with an inevitable marked impact on the landscape character area. ^[2.289(b)]
- 9.665 Although it is claimed that the design approach has responded to the site and its setting, the 'containment' of the development would rely on a broad continuous perimeter framework of new broadleaved woodland, hedgerow and tree planting along the ridge where landscaping is currently absent. Setting aside the fact that it would take a number of years for this to provide an effective screen, planting in this form, in terms of its physical division of a large field, curving as opposed to rectilinear form, and its depth and density would contrast with the characteristic landscape of the Northern Vale. ^[2.289(b)(e), 2.290(a)-(e)]
- 9.666 Like Fleet Marston, whilst Weedon Hill shows some variation from the wider Northern Vale Landscape Character Area, the impact on landscape character is to be determined by reference to the whole rather than its constituent parts. Although development would be limited to a small corner of the character area, the proposed buildings, and in time the peripheral landscaping, would have a marked harmful effect on the character of the landscape. ^[2.289(a)(d), 5.18]

Landscape character – the eastern parcel

- 9.667 The eastern parcel of the appeal site is, with the exception of a small area in its north-western corner, set within the Hulcott Vale Landscape Character Area. It is an area of low lying vale landscape, predominantly pasture, with some intrusive elements, including Buckingham Road and the suburban edge to Aylesbury/Watermead. ^[1.28, 2.287-2.288, 5.9, 5.23-5.24]
- 9.668 The character and setting of the site is unquestionably rural in that it is separated from Buckingham Road and the urbanising influences of Buckingham Park by a robust roadside hedge and it lies within a swathe of pasture which extends to the mid-ground backdrop of Watermead to the south-east. The buildings to the north-west take the form of a distinct enclave within the countryside. ^[2.287, 5.10]
- 9.669 Despite the natural containment along the roadside, the eastern parcel is otherwise generally 'open' on three sides. The north-western boundary has a post and rail fence providing separation from the garden of Weedon Hill House and the remaining boundaries, for the most-part, lack clear physical demarcation. In such circumstances the sub-division of the field as proposed, and its laying out as a park and ride facility, would have scant regard for its physical characteristics and rural context. Moreover, the introduction of uncharacteristic shallow bunding and peripheral landscaping, by way of mitigation, would compound the underlying harm to the character of the landscape. ^[5.11]
- 9.670 Although the landscape character assessment categorises the sensitivity of the landscape as low, the intrusive impacts of the development would be highly damaging to the low lying vale landscape.

Visual effects – the western parcel

- 9.671 The underlying rationale for the development relies on new buildings being seen within the existing residential context and directly related to the urban edge. However, whilst the influences of these elements cannot be ignored, the claimed contextual and urbanising influences are relatively minor. ^[2.289(c)]
- 9.672 In this regard, Buckingham Park and the related urban edge is, for the most part, clearly defined by a substantial hedgerow which wraps around a significant part of the northern edge of the existing development. Although the southern part of the appeal site's roadside boundary with Buckingham Road is nothing more than a post and rail fence, it serves the advantage of presenting an open aspect across the appeal site and into the wider open countryside. The demarcation and contrast between the built-up area and the countryside is self evident. ^[2.289(c)]
- 9.673 New buildings, as proposed, would leap-frog the well defined boundary of Buckingham Park; and the absence of physical demarcation along the curving south-west to north-west boundary would provide the development with no immediate visual rationale in that it would be perceived to be within the open countryside. Moreover, the aspect of the site, sloping towards the roundabout and the northerly exit along Buckingham Road, where vegetation is currently absent, would have the effect of emphasising the presence of new buildings layered up the slope. Overall, the development would be highly intrusive in visual terms and it would extend the town into the open countryside. ^[2.289(e), 2.290(a)-(e), 5.25, 8.59]
- 9.674 In reaching this conclusion it is to be noted that the appeal site is more extensive than the approved park and ride facility which would be restricted to the lower part of the site. Whilst that development, if implemented, would introduce a marked change to the landscape, the use would be predominantly open in nature. Furthermore, such facilities are often found immediately adjacent to and beyond the established well-founded and defensible limits of a town given their fundamental role in intercepting town-bound traffic. The history of the site does not therefore provide any reasonable rationale for the proposed housing or housing and employment development. ^[2.276-2.280, 5.21, 5.22, 5.33]
- 9.675 It is acknowledged that there are few viewpoints from where the proposed development would be visible. However, from the higher parts of the Quarrendon Scheduled Ancient Monument there would be potential to catch glimpses of the upper parts of the buildings closest to the western boundary of the site given that Weedon Hill Farm and some roofs within Buckingham Park are currently visible either in gaps or above the intervening hedgerow. Winter views would be more open, albeit in time they would be reinforced by planting forming part of the Weedon Hill proposals. Overall, taking account of the vegetation, distance, and views of existing buildings, the proposed development would not be unduly intrusive from the Quarrendon monument. ^[2.290(f), 5.21, 5.26-5.27, 5.29-5.31]

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- 9.676 Moving on to the public footpath which runs south-westwards from Buckingham Road in the direction of the monument, the north-western edge of Buckingham Park above the partial screening of the ridge and vegetation is already a component of these views. From the two selected viewpoints, representing significant gaps in the tree and hedge cover along the route, the proposals would, from Viewpoint F, extend the influence of built-development but the impact would be relatively minor given the presence of established buildings. The view from Viewpoint G towards the proposed Weedon Hill development would be obscured, for the most part, by a further dense hedgerow running between the viewer and the site.^[2.271]
- 9.677 In closer proximity to the Scheduled Ancient Monument (Viewpoints H & I), although some dwellings within Buckingham Park rise above their foreground topography and vegetation, it is likely that the buildings forming Weedon Hill would have limited additional impact due, in part, to the lie of the land and the nature of the hedgerows.
- 9.678 Although the users of public rights of way are to be afforded high sensitivity, the impact of the proposed development on their enjoyment of the countryside is likely to be, at worst, a marginal increase over and above the limited impacts of Buckingham Park.^[5.21]
- 9.679 In terms of existing residents with a view over the site, a number of new dwellings at the entrance to Buckingham Park face the site and Weedon Hill Farm stands above it. In the terminology of a Landscape and Visual Impact Assessment these *'high sensitivity receptors'* would experience a *'significant deterioration in the view'* as a result of the introduction of *'a dominant and incongruous feature in the scene'*.^[2.290(g)(i), 5.35]
- 9.680 However, the continuation of the existing substantial hedgerow, which separates Buckingham Park from Weedon Hill, towards the smaller of the two roundabouts, and the separation between respective buildings, would limit actual impacts to the extent that existing living conditions would not be impaired to a material degree.
- 9.681 In terms of Weedon Hill Farm, its open aspect would be curtailed by the proposed developments particularly from first floor windows which look out over boundary vegetation. Whilst there would be an undeniable loss of a long established aspect, the appeal site boundary stands some distance away and new buildings within the site would have sufficient separation so as not to be unduly dominating or intrusive.^[2.290(g)(ii), 5.32]

Visual effects – the eastern parcel

- 9.682 The proposed park and ride site would not be visible from public vantages within the wider landscape other than within the vicinity of its entrance from Buckingham Road. Nonetheless, that is not to deny that the proposal would stand as an unrelated incursion into an attractive landscape with new peripheral landscaping and alien bunding mimicking the functional outline of the site. The sub-division of the larger field in the manner proposed, and the resultant remnant strip to the north-east of the site, would represent a wholly utilitarian approach lacking appropriate forethought for the appearance of the landscape.^[2.291, 5.28]

- 9.683 From Weedon Hill House and its extensive garden, the impact of the development, in the language of a Landscape and Visual Impact Assessment, would be *'high adverse'* significance given the sensitivity of the receptor and the magnitude of change. Although the open aspect over sweeping meadows would be lost to a foreground bund and planting, the property would, due to its general elevation, retain more distant backdrop views of the Chilterns and an association with the more immediate rural landscape to the east. Taking account of the depth and width of the south-facing garden, there is nothing to suggest that the potential longer term height of planting on the bund, which would be the subject of a scheme to be approved by the local planning authority, would inevitably result in undue shading or oppressive enclosure. ^[2.290(g)(iii), 5.34, 8.64]
- 9.684 Neighbouring properties are moderately more distant from the site and their aspect is less extensive. Accordingly, impacts would be of lesser significance and not unduly harmful to living conditions as a whole.

Summary conclusions

- 9.685 Although new development on the edge of Aylesbury has progressed into the countryside and extended the limits of the town, Buckingham Park has a clearly defined and robust boundary with the open countryside. The proposed developments, even with the proposed mitigation measures, would have significant impacts on the character of the landscape and cause identifiable harm to its appearance. In this regard, insofar as Policy GP.35 of the Aylesbury Vale District Local Plan is a landscape protection policy, for the reasons given in paragraphs 9.140 – 9.143 above, the proposal would be in conflict with the development plan.

WEEDON HILL

The second main consideration: conditions and obligations

Conditions

Weedon Hill (Mixed-use)

- 9.686 The scope and justification for the draft conditions is summarised in the respective cases for the Council and Hallam; and set out in full, with reasons, in Annex F(i) to this report. The conditions are to be considered in light of the advice in the Planning Practice Guidance.
- 9.687 The merits of the conditions are discussed below and thereafter set out as a comprehensive list of conditions, in Annex F(ii), to be imposed if the Secretary of State decides to allow the appeal and to grant planning permission.
- 9.688 **Conditions 1 – 3** identify the approved plans and specify the maximum number of dwellings to be built in accordance with the application as made. The submission of reserved matters and the period within which development is to be commenced are provided for in **Conditions 4 – 7**.
- 9.689 The manner in which works are to be carried out, in the interests of highway safety and amenity, are set out in **Condition 8**; and specified sustainable standards are to be found in **Condition 9**.

- 9.690 Following a flood risk assessment, mitigation measures to prevent increased flooding are required through **Condition 10**; and relative building/site levels are to be agreed, **Condition 11** refers.
- 9.691 **Conditions 12 – 15** are drafted to secure the provision of suitable access, highways drainage and parking, without reference to current standards. **Condition 16**, subject to re-drafting for precision and clarity, requires the implementation of an agreed scheme for the lighting of the park and ride facility so as to minimise impacts on residential amenity and the wider countryside.
- 9.692 Ecological considerations, reflecting the work undertaken as part of the Environmental Assessment, are provided for in **Condition 17**; and high speed broadband, secured by re-drafted **Condition 18** and the inclusion of a requirement to agree a timetable for implementation, is an important objective.

Weedon Hill (Residential)

- 9.693 The scope and justification for the draft conditions is summarised in the respective cases for the Council and Hallam; and set out in full, with reasons, in Annex G(i) to this report. The conditions are to be considered in light of the advice in the Planning Practice Guidance.
- 9.694 Identical conditions to the mixed-use scheme are applicable save for: - the identification of the approved plans; the increased number of dwellings; the omission of references to the employment development; the deletion of condition 14 relating to the industrial access roads; and re-numbering thereafter. These are set out in Annex G(ii) to be imposed if the Secretary of State decides to allow the appeal and to grant planning permission.

Planning agreements:

Hallam Land Management and others and Aylesbury Vale District Council

- 9.695 The planning agreements contain a number of *'preliminary'* schedules describing the developments; the provision of a parent company guarantee/bond; and the operational programming and monitoring of the development.
- 9.696 The obligation for affordable housing, forming 35% of the dwellings to be constructed, includes the achievement of identified core and sustainability standards; arrangement in small groups throughout the site; relative occupation thresholds for affordable and market housing; and restrictions on occupation.
- 9.697 The provision of affordable housing would be above the level to be sought through Policy GP.2 of the Aylesbury Vale District Local Plan but within the scope of the later adopted Supplementary Planning Document. It would also reflect government policy relating to the delivery of a mix of housing within sustainable, inclusive and mixed communities. Overall, the statutory tests would be met. ^[5.39(c)]
- 9.698 The amenity land obligation would secure amenity green space as the development progresses and thereafter a commuted sum for future maintenance and management. ^[5.39(a)]

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- 9.699 A sport and leisure contribution would be made for the enhancement of nearby facilities, either within or adjacent to Buckingham Park, as a consequence of increased usage arising from the development. Although no detailed calculations have been provided, Hallam acknowledges the relevant planning policies and cites the Council's Sports and Leisure Supplementary Planning Guidance Ready Reckoner.^[5.39(b)]
- 9.700 There is nothing to suggest that the necessary contributions (reflecting the maximum number of dwellings to be built in the residential scheme and the mixed-use development) would be disproportionate. Similarly, the small contribution (derived by the number of dwellings) to be made towards a scheme to manage public access to the nearby Quarrendon Scheduled Ancient Monument, in order to mitigate increased usage from the residents of the proposed development, is important for archaeological and ecological reasons.^[5.39(d)]
- 9.701 A payment, to be used by Thames Valley Police, for the provision of automated number plate recognition serving the locality is also included. Whilst this is likely to assist in overall police surveillance it has not been explained how this would relate to the proposed development; and it has not been shown as a necessary prerequisite to make the proposal acceptable in planning terms. Accordingly, no weight attaches to this element of the agreement.^[5.39(e)]
- 9.702 The planning agreement for the mixed-use scheme would ensure the submission of a marketing strategy for the employment land and its early delivery as a serviced site as an important component of neighbourhood planning. Although there is no calculation of the financial contribution for monitoring compliance with the agreement, the amount does not appear disproportionate.^[5.39(f)(g)]
- 9.703 Overall, the obligations save for the policing contribution, meet the three statutory tests.

Planning Agreements:**Hallam Land Management and others and Buckinghamshire County Council**

- 9.704 The modest, local, highway improvements would provide mitigation for the traffic arising from the development; the bus priority measures contribution would make public transport more attractive to residents of the development; and the travel plan is an important component of sustainable development and modal shift.^[5.41(a)-(c)]
- 9.705 The education contributions are not laid out in detail, but the relevant policy background and mechanism for calculation is confirmed.^[5.41(d)(e)]
- 9.706 In terms of the park and ride land, the availability of a replacement site to compensate for that proposed for alternative development, and the provision of access into the site, is important to the Council's public transport strategy. A consequential closed circuit television contribution would be consistent with designing out crime having particular regard to the vulnerability of cars parked for long periods. The sum for monitoring compliance again appears reasonable.^[5.41(f)-(i)]

- 9.707 In summary, the planning agreements made with the County Council accord with the three tests set out in the Community Infrastructure Levy Regulations 2010.

WEEDON HILL

The third main consideration: the overall planning balance

- 9.708 Although the western parcel of the appeal site, in effect, lies adjacent to Buckingham Park and part of it has previously been committed for a park and ride facility, the site's overwhelming affinity is with the open countryside embracing this part of the town. The proposed development would spill out beyond the generally effective containment and natural outline of Buckingham Park and climb, prominently, to an undefined ridgeline boundary which would require deep, uncharacteristic, buffer planting to form a delineating feature.
- 9.709 The proposed development would be at odds with one of the key characteristics of the Northern Vale Landscape Character Area and it would be manifestly intrusive in visual terms with no apparent regard for its context in the landscape and its overall setting.
- 9.710 Similarly, the proposed park and ride facility within the eastern parcel would sit in isolation without physical connection, or indeed close association, with the built-up area. Its overwhelming urbanising influence would belittle the low lying vale landscape of the Hulcott Vale Landscape Character Area and its crudely defined boundaries and mitigation bunding and planting would be highly insensitive to the appearance of the landscape.
- 9.711 Each of the Hallam schemes would provide benefits, not least the prospect of the early delivery of much needed homes, with a good proportion of affordable housing, and, in the case of the mixed-use scheme, new job opportunities. The schemes would have different benefits but the distinction between the two, in terms of exchanging homes for jobs, would not be material to the overall planning balance. Other significant benefits include opportunities for sustainable travel modes; proximity to existing community facilities; and the provision of green infrastructure with contributions to identified 'flagship' projects. ^[1.49(f) - (g), 5.54]
- 9.712 However, the proposals have the hallmarks of an ill-conceived and opportunistic response to the absence of an up-to-date local plan and a corresponding shortage of housing land. Development in the manner proposed would be both uncharacteristic and intrusive with insufficient regard for its overall context. This would be in conflict with Policy GP.35 of the Aylesbury Vale District Local Plan, in so far as it is applicable, and, it would run counter to the government's call for good design and the expressed aim of the planning system to secure the conservation and enhancement of the natural environment. ^[2.294]
- 9.713 Whilst significant weight attaches to the totality of the benefits, these would be far outweighed by the harm identified leading to the overall conclusion that the proposals would not be sustainable development in the terms of the policies in the National Planning Policy Framework when read as a whole.

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10. Inspector's Recommendations

**Appeal A: Barwood Land and Estates Limited
Fleet Marston Farm, Fleet Marston, Aylesbury, HP18 0PZ**

10.1 I recommend that the appeal be dismissed.

**Appeal B: The Hampden Fields Consortium
Land at south east Aylesbury, located to the east of A413 Wendover Road
and south west of A41 Aston Clinton Road, Aylesbury, HP21 9DF**

10.2 I recommend that the appeal be dismissed and planning permission be refused.

**Appeal C: Hallam Land Management Limited
Land north of Weedon Hill Major Development Area,
Adjoining A413 Buckingham Road, Aylesbury, HP22 4DP**

10.3 I recommend that the appeal be dismissed and planning permission be refused.

**Appeal D: Hallam Land Management Limited
Land north of Weedon Hill Major Development Area,
Adjoining A413 Buckingham Road, Aylesbury, HP22 4DP**

10.4 I recommend that the appeal be dismissed.

David MH Rose

Inspector

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Suzanne Ornsby QC
Assisted by
Hereward Phillpot of Counsel

Instructed by Maria Memoli
Head of Legal and Estates Services
Aylesbury Vale District Council

They called

Jonathan Bellars
BA, Dip LA (Hons), Dip UD, CMLI

Senior Landscape Architect and Urban
Designer
Aylesbury Vale District Council

Emilia Hands
BSc, MSc, MIHBC

Conservation Areas Officer
Aylesbury Vale District Council

Justin Gardner
BSc, MSc

Justin Gardner Consulting

John Byrne
BSc, Dip TP, MRTPI

Head of Planning
Aylesbury Vale District Council

Philippa Jarvis
BSc (Hons), Dip TP, MRTPI

Principal
PJPC Ltd (Planning Consultancy)

Del Tester¹¹⁴⁰
I Eng, FIHE, MCIHT

Director
DT Transport Planning Ltd
Lead Development Officer
Transport for Buckinghamshire
Buckinghamshire County Council

FOR BARWOOD LAND AND ESTATES LIMITED

Martin Kingston QC
Assisted by
Thea Osmund-Smith of Counsel

Instructed by Wayland Pope
Barwood Land and Estates Limited

They called

Michael Lownes
BA Hons, Dip TP, MSc, Dip AA, MRTPI,
IHBC

Planning and Urban Design Director
Turley Associates

Clare Brockhurst
BSc (Hons), Dip LA, FLI

Partner
Tyler Grange LLP

¹¹⁴⁰ Mr Tester was not called to give evidence – however, he was made available to the Inquiry to provide clarification on certain matters

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

Dr Christopher Miele
BA Hons, MA, PhD, MRTPI, IHBC, FRHS,
FSA

Senior Partner
Montagu Evans LLP

Dr Cullan Riley
BSc (Hons), PhD, MIEEM

Director
Phil Jones Associates Ltd

Michael Taylor
BsoSc (Hons), MSc, MRTPI

Managing Director
Chilmark Consulting Limited

FOR THE HAMPDEN FIELDS CONSORTIUM

Robin Purchas QC
Assisted by
Annabel Graham Paul of Counsel

Instructed by Ian Tant, Senior Partner,
Barton Willmore LLP

They called

Stephen Kirkpatrick
BSc, BLD, CMLI

Associate Consultant
Chris Blandford Associates

Jonathan Reynolds
BA (Hons) Dip TP, MAUD, MRTPI

Technical Director of Urban Design
RPS Group plc

Benjamin Kite
BSc (Hons), MSc, MCIEEM, AIEEMA

Principal Ecological Consultant
Ecological Planning and Research Limited

Paul White
BA (Hons), PhD, MifA, AIEEMA

Heritage Team leader
ECUS Limited

Anne Upson
BA (Hons), MA, Dip Arch, MifA

Built Heritage Team Leader
Wessex Archaeology

Richard Hutchings
BSc, CEng, MICE, FCIHT, CMILT, MAPM

Director
WSP UK Limited

Ian Tant
BSc (Hons), B.Tp, MRTPI

Senior Partner
Barton Wilmore LLP

FOR HALLAM LAND MANAGEMENT LIMITED

Ian Dove QC
Assisted by Tim Sheppard of Counsel

Instructed by Nick Duckworth,
Hallam Land Management Limited

They called

Carl Rech
BA (Hons), (B.Phil), MLI

Director
FPCR Environment and Design

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

Jennifer Baker
B.Eng (Hons), MSC, DIC

Technical Director
SKM Colin Buchanan

Christopher Hough
BSc, FRICS

Sigma Planning Services

Paul Drury
FSA, MRICS, IHBC

Drury McPherson Partnership

FOR THE HAMPDEN FIELDS ACTION GROUP (RULE 6)

Jack Smyth of Counsel

Instructed by Hampden Fields Action Group

He called

Peter Forest

Resident/Business owner

Councillor Phil Yerby

Chairman Hampden Fields Action Group

John Savage

Area Secretary
Chiltern Society Rights of Way Group

Christopher Gill

Secretary
Weston Turville Historical Society

Peter Radmall
MA, B Phil, MLI

Independent Practitioner

Geoffrey Taylor
M.CIHT

Director
Transport Planning Practice

Ms Anne Cooney¹¹⁴¹

Resident of Tring

FOR ARNOLD WHITE ESTATES LIMITED (RULE 6)

Katie Helmore of Counsel¹¹⁴²

Instructed by Hives Planning Limited

Geoff Gardner¹¹⁴³
MSc, MRTPI, DMS, MCIWM

Director
Hives Planning Limited

FOR BUCKINGHAMSHIRE COUNTY COUNCIL

Richard Wald of Counsel¹¹⁴⁴

Instructed by Legal Services
Buckinghamshire County Council

¹¹⁴¹ Ms Cooney (written statement) was not called to give evidence

¹¹⁴² For submissions relating to HS2

¹¹⁴³ Acting as advocate and expert witness

¹¹⁴⁴ In attendance on 9 December 2013 in respect of progress on s106 Agreement with Barwood Land and Estates Limited

INTERESTED PERSONS AND ORGANISATIONS

Ros Woodhall BA Hons, MRTPI	WYG Planning on behalf of Thames Valley Police
Michael Stubbs Dip TP, MSc, PhD, MRICS	The National Trust, The Waddesdon Estate and Rothschild Foundation and Historic House Hotels
Brian Robson	Chairman Bierton with Broughton Parish Council
Councillor David Vick	Waddesdon Ward Councillor
James Mosse	Resident of Fleet Marston Speaking on behalf of 'Save the Vale' group
Mrs Jackie Robson	Resident of Fleet Marston
Mrs M Coe	Resident of Bedgrove
Hugh Gwilliams MBA	Resident of Weston Turville
Councillor Joanna Rose	Chairman, Weedon Parish Council
John Charnock	Resident of Weedon Hill
Councillor Mark Winn	Resident in vicinity of the Walton Street Gyratory
Stephen Lehec	Head Master Aylesbury Grammar School
Neil Biggs	Traffic Management Officer Thames Valley Police

ANNEX B: CORE DOCUMENTS

BARWOOD LAND AND ESTATES LIMITED

BL1.1 (CD 1.1)	Fleet Marston Planning Application covering letter dated 22 July 2009
BL1.2 (CD 1.2)	Fleet Marston Application withdrawal letter dated 12 October 2009
BL1.3 (CD 1.3)	Covering letter from David Lock Associates to Aylesbury Vale District Council dated 19 July 2010
BL1.4 (CD 1.4)	Planning application form dated 19 July 2010
BL1.5 (CD 1.5)	Planning Application Site Notice dated 2 August 2010
BL1.6 (CD 1.6)	Bucks Herald Notice dated 4 August 2010
BL1.7 (CD 1.7)	BLANK
BL1.8 (CD 1.8)	Site Location Plan
BL1.9 (CD 1.9)	Illustrative Plans (2010): <ul style="list-style-type: none"> a. Route Infrastructure b. Green Infrastructure c. Land Use d. Building Heights e. Building Density f. Masterplan
BL1.10 (CD 1.10)	Planning Statement (2010)
BL1.11 (CD 1.11)	Statement of Community Involvement (2010)
BL1.12 (CD 1.12)	Landscape Overview (2010)
BL1.13 (CD 1.13)	Design and Access Statement (2010)
BL1.14 (CD 1.14)	Environmental Statement (2010)
BL1.15 (CD 1.15)	Flood Risk Assessment (2010)
BL1.16 (CD 1.16)	Transport Statement (2010)
BL1.17 (CD 1.17)	Services and Utilities Statement (2010)
BL1.18 (CD 1.18)	Sustainability Statement plus Energy Statement (2010)

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

BL1.19 (CD 1.19)	Affordable Housing Statement (2010)
BL1.20 (CD 1.20)	Planning Obligations: Draft Heads of Terms (2010)
BL1.21 (CD 1.21)	Covering letter from GVA to AVDC dated 26 January 2012
BL1.22 (CD 1.22)	Illustrative Plans (January 2012): <ul style="list-style-type: none"> a. Route Infrastructure b. Green Infrastructure c. Land Use d. Building Heights e. Building Density f. Masterplan
BL1.23 (CD 1.23)	Addendum Design and Access Statement (January 2012)
BL1.24 (CD 1.24)	Addendum Environmental Statement (January 2012)
BL1.25 (CD 1.25)	Addendum Planning Statement (January 2012)
BL1.26 (CD 1.26)	Addendum Transport Assessment (January 2012)
BL1.27 (CD 1.27)	PPS5 Assessment (January 2012)
BL1.28 (CD 1.28)	Archaeological Evaluation Reports: - Wayside Farm Fleet Marston and Archaeological Evaluation Phase 2; Metal detecting and test pit survey
BL1.29 (CD 1.29)	Addendum Affordable Housing Statement (January 2012)
BL1.30 (CD 1.30)	Addendum Planning Obligations: Heads of Terms (January 2012)
BL1.31 (CD 1.31)	Determination extension letter from GVA to AVDC dated 20 April 2012
BL1.32 (CD 1.32)	Determination extension letter from GVA to AVDC dated 14 May 2012
BL1.33 (CD 1.33)	Confirmation of determination extension letter from Aylesbury Vale District Council to GVA dated 14 May 2012
BL1.34 (CD 1.34)	Fleet Marston Transport Issues Briefing Note from Capita Symonds to Barwood Land and Estates Ltd dated 27 April 2012
BL1.35 (CD 1.35)	Officer's Committee Report dated 16 May 2012
BL1.36 (CD 1.36)	Officer's Corrigendum Committee Report dated 16 May 2012
BL1.37 (CD 1.37)	GVA letter to AVDC dated 6 June 2012 setting out answers to SDCC Members' questions
BL1.38 (CD 1.38)	Officer's Committee Report for the SDCC dated 2 July 2012

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

BL1.39 (CD 1.39)	Officer's Corrigendum Committee Report to the SDCC dated 2 July 2012
BL1.40 (CD 1.40)	Minutes of the SDCC meeting 2 July 2012
BL1.41 (CD 1.41)	Applicant's advice note from Counsel and covering letter dated 9 July 2012
BL1.42 (CD 1.42)	Agent's letter to AVDC dated 19 July 2012 in response to SDCC Report
BL1.43 (CD 1.43)	Agent's letter dated 20 July 2012 and associated attachments to Members of the Strategic Development Control Committee
BL1.44 (CD 1.44)	Agent's letter to AVDC dated 24 July 2012
BL1.45 (CD 1.45)	Officer's Committee Report dated 25 July 2012
BL1.46 (CD 1.46)	Officer's Corrigendum Committee Report dated 25 July 2012
BL1.47 (CD 1.47)	AVDC decision notice dated 25 July 2012
BL1.48 (CD 1.48)	Documents listed in Para 12.2.1 of the Environmental Statement (2010): A) Guidelines for Landscape and Visual Assessment (GLVIA) B) Landscape Character Assessment Guidance for England and Scotland, the Countryside Agency and Scottish Natural Heritage, 2002 C) Extracts from DMRB Volume 6, Section 1, TD9/93 – Highway Link Design D) Transport Analysis Guidance Appendix CR/A2 E) DMRB Volume 11 Section 3, Part 2, Annex 7 F) Assessing the Effect of Road Schemes on Historic Landscape Character; Highways Agency and English Heritage 2007
BL1.49 (CD 1.49)	Duncan Thomas Notes Prepared for the AVDC Core Strategy Examination in Public (January 2010)
BL1.50 (CD 1.50)	Viewpoints for Core Strategy Inspector Site Visits (April 2010)
BL1.51 (CD 1.51) ¹¹⁴⁵	GVA letter of representation to AVDC dated 26 January 2013
BL1.52	David Lock's EiP report submission for BLEL dated 25 January 2010
BL1.53	AVDC Landscape Evidence Base – An Appraisal, Duncan Thomas (2009)
BL1.54	The Government Response to the Taylor Review of Rural Economy and Affordable Housing (March 2009)
BL1.55	Taylor Review; Living Working Countryside – The Taylor Review of Rural Economy and Affordable Housing (July 2008)
BL1.56	BLEL Statement of Case dated 31 October 2012

¹¹⁴⁵ All subsequent Barwood documents numbered as 'BL' only

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

BL1.57	Officer's Overview Committee Report dated 10 April 2013
BL1.58	Officer's Fleet Marston Committee Report dated 10 April 2013
BL1.59	Natural England Consultation responses
BL1.60	English Heritage Consultation responses
BL1.61	National Trust Consultation responses
BL1.62	AVDC Conservation Officer consultation responses
BL1.63	AVDC Design Officer consultation responses
BL1.64	BCC Planning response
BL1.65	CABE Response dated 5 March 2012
BL1.66	Churches Conservation Trust Comments
BL1.67	Letter from BCC to AVDC dated 20 June 2012
BL1.68	Agreement on Costs dated 27 March 2013
BL1.69	Arboricultural Survey (2010)
BL1.70	Fleet Marston Sustainability Appraisal submissions for the Aylesbury Vale Core Strategy by JAM Consult Ltd: <ul style="list-style-type: none"> a) Sustainability Appraisal Representation (2009) b) Sustainability Appraisal with Fleet Marston (2009) c) Review of AVDC Sustainability Appraisal (2009) d) Preliminary Comments on the CAG Report (2010) e) Comparison Table on the CAG Report (2010) f) Fleet Marston Sustainability Appraisal Note (2010)
BL1.71	Core Strategy EiP Core Documents List Version 12.0 (February 2010)
BL1.72A & BL1.72B	Wycombe District Council Documents: A: Cabinet Report Minutes (June 2010) B: Cabinet Report Minutes (June 2010)
BL1.73	HS2 Response Letter 25 June 2013
BL1.74	Drawing – Comparison of Photographic Viewpoints & AVDC Desk Top Analysis Locations
BL1.75	Appellant's Note concerning HS2 dated 8 July 2013
BL1.76A	Covering email to draft 106 Agreement between FM and Bucks CC
BL1.76B	Draft s106 with Bucks CC
BL1.77A	Covering email to draft conditions & draft s106 between FM & AVDC
BL1.77B	Draft Conditions
BL1.77C	Draft s106 Agreement between FM and AVDC
BL1.78A	Letter from GVA to HS2 dated 11 July 2013
BL1.78B	HS2 Response to GVA letter of 11 July dated 17 July 2013
BL1.79	Appellant's Further Note Concerning HS2 dated 16 July 2013
BL1.80	BCC Draft s106 Agreement Drawings – Amendments to Berryfields/FM PPTC
BL1.81	Draft Heritage Conditions
BL1.82A	A41 Rail Bridge Survey Letter from Phil Jones Associates: 9 August 2013

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

BL1.82B	A41 Railway Bridge Aylesbury Plan Bridge Elevations and Sections
BL1.83A	File Note Fleet Marston A41 Shared Cycle/Footway
BL1.83B	Draft illustrative Design – Cross Section
BL1.83C	Draft Illustrative Option for detailed design consideration
BL1.84A	Hampden Fields Parliamentary Enclosure Plan (Aerial Base)
BL1.84B	Hampden Fields Parliamentary Enclosure Plan
BL1.85	Fleet Marston - Masterplan Analysis and Vision letter dated 17 July 2013
BL1.86	East West Rail Update (extracts from website)
BL1.87A	Core Strategy Examination, Promoting Council's Statements, 2 February 2010
BL1.87B	Barwood Land Response to AVDC Draft Committee Report for Outline Planning Application 09/01357/AOP Fleet Marston, dated 29 January 2009
BL1.87C	Aylesbury Vale Core Strategy Examination Agenda: Session 3; 16 -18 February 2010
BL1.87D	Extract from Participant's Statement on behalf of Barwood Land concerning Heritage Issues
BL1.88	Note on Fleet Marston Conditions & Image attachment: 16 August 2013
BL1.89	Montagu Evans Memo, comment on HL1.18 email from English Heritage, dated 22 August 2013
BL1.90	Further submission concerning Fleet Marston Church Conditions – Response to AVDC submissions dated 5 September 2013
BL1.91	Turley's Briefing Note – Response to Land Budget Queries by Mr Purchas QC dated 18 October 2013
BL1.92A	Hampden Fields Consortium – Scheme Evaluation
BL1.92B	Figures PJA1 PJA2 & PJA3 Walton Gyrotory
BL1.93	CCT Memorandum of Agreement
BL1.94	Opening Statement
BL1.95	Closing Submissions
BL1.96	s106 Unilateral Undertaking (AVDC) dated 6 December 2013
BL1.97	s106 Agreement (BCC) dated 18 December 2013
BL1.98	Final list of draft planning conditions
BL1.99	Obligations Compliance Schedule
BL1.100	Barwood's response following publication of Planning Practice Guidance

AYLESBURY VALE DISTRICT COUNCIL

AV 1.1 (CD 2.1)	Berryfields MDA Development Brief (March 2004)
AV 1.2 (CD 2.2)	Weedon Hill MDA Development Brief (August 2003)
AV 1.3 (CD 2.3)	Affordable Housing Supplementary Planning Document (November 2007)
AV 1.4 (CD 2.4)	Supplementary Planning Guidance on Sport and Leisure Facilities (August 2004)
AV 1.5 (CD 2.5)	Sport and Leisure Facilities SPG Companion Document (August 2005)
AV 1.6 (CD 2.6)	A Strategy for MDA related Greenspaces (March 2001)
AV 1.7 (CD 2.7)	Aylesbury Vale Submission Core Strategy (2009)
AV 1.8 (CD 2.8)	Examination in Public (EiP) Interim Inspector's Report (11 June 2010)
AV 1.9 (CD 2.9)	AVDC Annual Monitoring Report (2011)
AV 1.10 (CD 2.10)	AVDC Housing Land Supply (March 2012)
AV 1.11 (CD 2.11)	AVDC Housing Trajectory (March 2012)
AV 1.12 (CD 2.12)	AVDC Report of Housing Completions and Commitments (March 2012)
AV 1.13 (CD 2.13)	AVDC LDF Briefing Note: Housing Requirements (March 2009)
AV 1.14 (CD 2.14)	AVDC Landscape Character Assessment (May 2008)
AV 1.15 (CD 2.15)	AVDC Environment Character Assessment (April 2006)
AV 1.16 (CD 2.16)	AVDC Green Spaces Plan (2005-2008)
AV 1.17 (CD 2.17)	AVDC Areas of Sensitive Landscape (October 2008)
AV 1.18 (CD 2.18)	AVDC Green Infrastructure Strategy & Flagship Projects Companion Document (October 2011)
AV 1.19 (CD 2.19)	AVDC Potential Development Areas Around Aylesbury – Comparative Assessment of Landscape and Visual Impact (October 2008)
AV 1.20 (CD 2.20)	Executive Summary Aylesbury Vale Housing and Economic Growth Assessment – G L Hearn September 2011

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

AV 1.21 (CD 2.21)	Report to Cabinet meeting 15 May 2012
AV 1.22 (CD 2.22)	Minutes of Cabinet meeting 15 May 2012
AV 1.23 (CD 2.23)	Report to Cabinet meeting 14 August 2012
AV 1.24 (CD 2.24)	Minutes of Cabinet meeting 14 August 2012
AV 1.25 (CD 2.25)	Report to Cabinet 9 October 2012
AV 1.26 (CD 2.26)	Minutes of Cabinet meeting 9 October 2012
AV 1.27 (CD 2.27)	Report to Council 17 October 2012
AV 1.28 (CD 2.28)	Minutes of Council Meeting 17 October 2012
AV 1.29 (CD 2.29)	Buckinghamshire County Council Local Transport Plan 3
AV 1.30 (CD 2.30)	BLANK
AV 1.31 (CD 2.31)	Jacobs Aylesbury Ecological Studies (April 2006)
AV 1.32 (CD 2.32)	Jacobs Aylesbury Historic Environment Assessment (April 2006)
AV 1.33 (CD 2.33)	Jacobs Aylesbury Landscape Character Assessment (which formed part of a suite of documents entitled "Environmental Character Assessment" (ECA)) (April 2006)
AV 1.34 (CD 2.34)	Jacobs Aylesbury Vale Landscape Character Assessment (May 2008) DUPLICATE AV1.14
AV 1.35 (CD 2.35)	Jacobs Potential Development Areas around Aylesbury - Landscape Impact Assessment (October 2008)
AV 1.36 (CD 2.36)	Jacobs Potential Development Areas around Aylesbury - Visual Impact Assessment (October 2008)
AV 1.37 (CD 2.37)	BLANK
AV 1.38 (CD 2.38)	BLANK
AV 1.39 (CD 2.39)	AVDC Direction of Housing Growth at Aylesbury – Consultation Options (October 2008)
AV 1.40 (CD 2.40)	Note regarding Para 11.17 10 April 2013

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

AV 1.41 (CD 2.41)	BLANK
AV 1.42 (CD 2.42)	Jacobs AVDC Proposed Submission Core Strategy – Summary Update of Landscape Supporting Information for EiP (January 2010)
AV 1.43 (CD 2.43)	BLANK
AV 1.44 (CD 2.44)	Weston Turville Conservation Areas (AVDC, October 2007)
AV 1.45 (CD 2.45)	Buckinghamshire Green Infrastructure Strategy (Buckinghamshire Green Infrastructure Consortium, April 2009)
AV 1.46 (CD 2.46)	Aylesbury Growth Arc Masterplan & Delivery Consultation Draft SPD (AVDC, January 2010)
AV 1.47 (CD 2.47)	Jacobs AVDC Ecological Assessment – Local Development Framework Options, Executive Summary (August 2008)
AV 1.48 (CD 2.48)	AVDC Ecology Note – Summarising the Ecological Studies Carried Out Around Aylesbury (28 January 2009)
AV 1.49 (CD 2.49)	Buckinghamshire and Milton Keynes Biodiversity Action Plan (Buckinghamshire and Milton Keynes Biodiversity Partnership, 2009)
AV 1.50 (CD 2.50)	AVDC Habitats Regulations Assessment/Appropriate Assessment: Stage 1 Screening. Core Strategy Development Plan Document (May 2009)
AV 1.51 (CD 2.51)	Buckinghamshire County Council Children and Young People's Service, Guidance on Planning Obligations for Education Provision (June 2010)
AV 1.52 (CD 2.52)	The Chilterns AONB Management Plan 2008 – 2013: A Framework for Action (2008)
AV 1.53 (CD 2.53)	The Landscape Plan for Buckinghamshire (Buckinghamshire County Council)
AV 1.54 (CD 2.54)	Aylesbury Allocated Sites DPD Preferred Options – Sustainability Appraisal Report (Carter Jonas, June 2007)
AV 1.55 (CD 2.55)	Direction of growth for housing at Aylesbury: review and update of site options Sustainability Appraisals (CAG Consultants, January 2010)
AV 1.56 (CD 2.56)	Report to Cabinet 11 March 2008
AV 1.57 (CD 2.57)	AVDC: Direction of growth for housing at Aylesbury: Sustainability Appraisal (CAG Consultants, October 2008)
AV 1.58 (CD 2.58)	AVDC: Direction of Housing growth at Aylesbury – Supporting Documents: LDF Evidence Base Summary (November 2011)
AV 1.59 (CD 2.59)	Report to Cabinet 8 November 2011

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

AV 1.60 (CD 2.60)	The Vale of Aylesbury Plan Public Consultation Booklet 1 December 2011 – 26 January 2012
AV 1.61 (CD 2.61)	The Vale of Aylesbury Plan Strategy & Policies Map 2011 – 2031
AV 1.62 (CD 2.62)	Updated Demographic Projections Report - Aylesbury Vale District Council (GL Hearn, April 2013)
AV 1.63 (CD 2.63)	Vale of Aylesbury Plan Strategy – Affordable Housing Topic Paper April 2013 edition
AV 1.64 (CD 2.64)	Aylesbury Vale Economic Development Strategy 2011 - 2014
AV 1.65 (CD 2.65)	Aylesbury Vale Employment Land Review Update (GL Hearn, September 2012)
AV1.66 (CD 2.66)	Buckinghamshire County Council Local Transport Plan 2 (2006 - 2011)
AV 1.67 (CD 2.67)	Buckinghamshire County Council – Towards 2026 – A Transport Strategy for Aylesbury (Draft) (March 2009)
AV 1.68 (CD 2.68)	Jacobs - Aylesbury Eastern Concepts Developed Initial Junction designs - Drawing Index & Plans (March 2010)
AV 1.69 (CD 2.69)	Jacobs - Aylesbury Major Development Site (Public Inquiry) Assessing the Transport Impacts Transport Modelling Proposal, Ref 20130326/A/SWC (March 2013)
AV 1.70 (CD 2.70)	Aylesbury Vale Level 1 Strategic Flood Risk Assessment (August 2012)
AV 1.71 (CD 2.71)	Vale of Aylesbury Plan – Aylesbury Land Use and Traffic Assessment Revision B (TfB/AVDC, June 2012)
AV 1.72 (CD 2.72)	Jacobs AVDC Ecological Assessment – Local Development Framework Options, Site D (August 2008)
AV 1.73 (CD 2.73)	Buckinghamshire and Milton Keynes Historic Landscape Characterisation Study 2006
AV 1.74 (CD 2.74)	AVDC Annual Monitoring Report 2012
Av 1.75 (CD 2.75)	Aylesbury Transport Model – Local Model Validation Report (TfB, June 2011)
AV 1.76 (CD 2.76)	Aylesbury Transport Model – Traffic Forecasting and Assumptions (TfB, May 2012)
AV 1.77 (CD 2.77)	Vale of Aylesbury Plan – Draft Infrastructure Delivery Plan (April 2013)
AV 1.78 (CD 2.78)	Vale of Aylesbury Plan Strategy – Transport Topic Paper (April 2013)
AV 1.79 (CD 2.79)	Buckinghamshire County Council Local Transport Plan – Volume 1 2000/01 – 2004/05 (July 1999)
AV 1.80 (CD 2.80)	Buckinghamshire County Council – Report of Existing Conditions – (September 2005)

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

AV 1.81 (CD 2.81)	Aylesbury Transport Model – Illustrative Scenarios – Local Model Tests – Technical Note 1 (May 2006)
AV 1.82 (CD 2.82)	Aylesbury LDF – Revised 2026 Scenarios – Technical Note 2 (November 2006)
AV 1.83 (CD 2.83)	Aylesbury Vale LDF – Aylesbury Land Use & Transport Strategy Model: Statement of Findings – Technical Note 3 (April 2007)
AV 1.84 (CD 2.84)	Aylesbury Vale LDF – Scenario Tests – Technical Note 4 (August 2008)
AV 1.85 (CD 2.85)	Aylesbury Vale LDF – Update of Assumptions as per Core Strategy – Technical Note 5 (December 2009)
AV 1.86 (CD 2.86)	Aylesbury Vale LDF – Eastern Arc School Test - Technical Note 6 (January 2010)
AV 1.87 (CD 2.87)	Aylesbury Vale LDF – Phasing Tests – Technical Note 7 (January 2010)
AV 1.88 (CD 2.88)	Aylesbury Transport Model – Impact of the Aylesbury LDF on HA Network (Halcrow, August 2007)
AV 1.89 (CD 2.89)	Aylesbury Transport Model – Impact of the Aylesbury LDF on HA Network (Halcrow, September 2009)
AV 1.90 (CD 2.90)	Aylesbury Transport Strategy 2008 – 2026 Evidence Base (October 2008)
AV 1.91 (CD 2.91)	AVDC Direction of Housing Growth at Aylesbury – Supporting Document: Transport Modelling Note (October 2008)
AV 1.92 (CD 2.92)	ALUTS – Regional Model (Halcrow, September 2009)
AV 1.93 (CD 2.93)	Buckinghamshire County Council – Aylesbury Urban Transport Strategy Leaflet
AV 1.94 (CD 2.94)	Buckinghamshire County Council – Towards 2026 – A Transport Strategy for Aylesbury Final Draft (September 2008)
AV 1.95 (CD 2.95)	Vale of Aylesbury Plan Strategy – Infrastructure, Viability & Community Infrastructure Levy Topic Paper April 2013
AV 1.96 (CD 2.96)	Vale of Aylesbury Plan Strategy – Employment Topic Paper April 2013
AV 1.97 (CD 2.97)	Strategic Housing Market Assessment: Validation Study – Aylesbury Vale District Council (GL Hearn, February 2013)
AV 1.98 (CD 2.98)	Vale of Aylesbury Plan Strategy Habitats Regulations Assessment/Appropriate Assessment: Stage 1 Screening (October 2012)
AV 1.99 (CD 2.99)	Buckinghamshire Local Transport Plan 3 – Local Area Strategies
AV 1.100 (CD2.100)	Buckinghamshire Local Investment Plan 2010
AV 1.101 (CD 2.101)	Strategic Development Control Committee 14 March 2012 – Committee Report, Corrigendum & Minutes

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

AV 1.102 (CD 2.102)	Strategic Development Control Committee 28 September 2012 – Committee Report & Minutes
AV 1.103 (CD 2.103)	Buckinghamshire County Council Report to Cabinet Member for Education and Skills – Broughton Crossing Development: Section 106 Agreement (dated 22 March 2013)
AV 1.104 (CD2.104)	Vale of Aylesbury Plan Strategy – Duty to Co-operate Topic Paper April 2013 edition
AV 1.105 (CD 2.105)	AVDC response to Core Strategy Inspector's Report 23 July 2010
AV 1.106 (CD 2.106)	Core Strategy Inspector's letter 10 August 2010
AV 1.107 (CD 2.107)	AVDC letter requesting withdrawal of Core Strategy September 2010
AV 1.108 (CD 2.108)	Letter from SoS 5 October 2010 – Direct withdrawal of Core Strategy
AV 1.109 (CD 2.109)	Vale of Aylesbury Plan – Housing Topic Paper
AV 1.110 (CD 2.110)	Local Development Scheme (LDS) as revised April 2013
AV 1.111 (CD 2.111)	Statement of availability of VAP documents for pre submission publicity
AV 1.112 (CD 2.112)	Extracts from EiP Panel on South East Plan
AV 1.113 (CD 2.113)	Milton Keynes Core Strategy Inspector's Report
AV 1.114 (CD 2.114)	Report to Council 8 September 2010 – withdrawal of Core Strategy and Minutes
AV 1.115 (CD 2.115)	Report to Cabinet 9 November 2010 – Way forward with VAP and Minutes
AV 1.116 (CD 2.116)	Letter dated 10 June 2013 from Inspector examining North Warwickshire Borough Council's Core Strategy confirming duty to co-operate satisfied
AV 1.117 (CD 2.117)	Letter dated 13 June 2010 from Inspector examining Waverley Borough Council's Core Strategy confirming duty to co-operate has been satisfied
AV 1.118 (CD 2.118)	AVDLP Counter Proposals Map – Fleet Marston
AV 1.119 (CD 2.119)	Appeal decision Ref 2115860 – Land east of Winslow Buckinghamshire
AV 1.120 (CD 2.120)	Appeal decision Ref 2143343 – Land at Valley Farm, Leighton Road, Soulbury
AV 1.121 (CD 2.121)	Letter from SoS 27 May 2010 – Abolition of Regional Strategies
AV 1.122	Appeal decision Ref 2135746 – Land East of Winslow, Buckinghamshire

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

(CD 2.122) 1146	
AV 1.123	Hampden Fields Position Statement 12 July 2013 Highways and Transport
AV 1.124	Appendix D to District Council s106
AV 1.125	Aylesbury East – BCC draft s106 Agreement dated 10.07.13
AV 1.126A	Aylesbury East – AVDC draft s106 Agreement
AV 1.126	Agreed Proposed Directions for the Inquiry Commencing 15 October 2013
AV 1.127	AVDC Sustainability Appraisal/SEA The VAP Stage 1 – Jobs and Housing Levels and the Apportionment Scenarios for Homes across the District. December 2011 – Consultation Draft
AV 1.128	AVDC Sustainability Appraisal/SEA – VAP Addendum to the Sustainability Appraisal/SEA of the VAP Stage 1 – Jobs and Housing Levels and Apportionment Scenarios for the District March 2012
AV 1.129	AVDC Sustainability Appraisal/SEA Vale of Aylesbury Plan Pre-submission Sustainability Appraisal September 2012
AV 1.130	Aylesbury East – BCC draft s106 Agreement dated 15 July 2013
AV 1.131	Local Transport Note 2/86 (superseded by Local Transport Note 1/12)
AV 1.132	Local Transport Note 2/08
AV 1.133	Capita Symonds Drawing CS050207/A41/SK0001
AV 1.134	Email from Capita Symonds to Del Tester dated 18 June 2012
AV 1.135	VAP submission covering letter from AVDC to Planning Inspectorate dated 12 August 2013
AV 1.136	26 July Position Statement re. Hampden Fields Highways
AV 1.137	Quarrendon Fields Proof of Evidence Karl Kropf, APP/4.1
AV 1.138	VAP Examination Programme
AV 1.139	AVDC Response to Barwood's Submission – Fleet Marston Church Conditions
AV 1.140	Letter and Response to ADVC's enquiries of Hampden Fields Photomontage 1 Nov 2013
AV 1.141	Opening Statement
AV 1.142	Closing Submissions
AV 1.143	Response re Planning Practice Guidance (extract)
AV 1.144	Bundle of correspondence – update on HS2
AV 1.145	Decision Notice (5 December 2013) – Land East of Aylesbury

HAMPDEN FIELDS CONSORTIUM

¹¹⁴⁶ All subsequent AVDC documents numbered as 'AV' only

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

HF 1.1	Original Application Submission Documentation - March 2012
HF 1.2	Hampden Fields Consortium Amended Submission Covering Letter dated 22 November 2012
HF 1.3	Plans (November 2012): a. Revised Site Boundary Plan (500-001 Rev D) b. Revised Land Use Parameters Plan (Fig 4.1 Rev K) c. Revised Residential Density Parameters Plan (Fig 4.2 Rev K) d. Revised Minimum Building Heights Parameters Plan (Fig 4.3 Rev K) e. Revised Maximum Building Heights Parameters Plan (Fig 4.4 Rev K) f. Revised Access and Circulation Parameters Plan (Fig 4.5 Rev L) g. Revised Illustrative Masterplan (500-025 Rev A) h. Illustrative Framework Plan (500-101 Rev X)
HF 1.4	Hampden Fields – Supplementary Environmental Statement (Nov. 2012)
HF 1.5	Hampden Fields – Supplementary Environmental Statement Appendices (November 2012)
HF 1.6	Hampden Fields – Supplementary Environmental Statement Non Technical Summary (November 2012)
HF 1.7	Revised Planning Statement (Barton Willmore, November 2012)
HF 1.8	Revised Planning Statement Appendices (Barton Willmore, Nov. 2012)
HF 1.9	Revised Design and Access Statement (RPS, November 2012)
HF 1.10	Statement of Community Involvement Addendum (GKA Ltd, Nov. 2012)
HF 1.11	Revised Sustainability Statement (WSP Environment and Energy, November 2012)
HF 1.12	Revised Energy Statement (WSP Environment and Energy, Nov. 2012)
HF 1.13	NPPF Flood Risk Assessment – Appendix 12.1 of the Supplemental Environmental Statement (WSP, November 2012)
HF 1.14	Revised Transport Assessment (WSP, November 2012)
HF 1.15	Revised Transport Assessment: Technical Appendices (WSP, Nov. 2012)
HF 1.16	Arboricultural Development Report (Tree: Fabric Ltd)
HF 1.17	Master Plan Report – A Vision for the South East SDA, Aylesbury (Barton Willmore February 2010)
HF 1.18	Barton Willmore letter response to The Vale of Aylesbury Plan: Options for Housing and Job Growth Consultation – 26 January 2012
HF 1.19	GVA objection letter to AVDC – 15 February 2013

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

HF 1.20	Strategic Development Control Committee Hampden Fields Report – 10 April 2013
HF 1.21	Revised Ecological Mitigation and Management Strategy
HF 1.22	Framework Construction Environmental Management Plan
HF 1.23	Use of TEMPRO Data – TAG Unit 3.15.2 (DfT, April 2009)
HF 1.24	Email Ali Dent (ONS) to Simon Macklen – Estimates dated 01.07.13
HF 1.25	Email Denise Willimas (ONS) to Simon Macklen – “Population Projections” dated 01.07.13
HF 1.26	Email to Justin Gardner to Simon Macklen – “Sources of Figures” 01.07.13
HF 1.27	Email to Mike May-Gillings to Simon Macklen – “Chelmer Clarifications” dated 01.07.13
HF 1.28	Modelling Output form Justin Gardner (24.06.13) with analysis of Labour Force Change added
HF 1.29	Aylesbury Vale & Housing Market Area Mid Year Estimates Migration and Other Components
HF 1.30	ONS – Methodology: Interim 2011–based subnational Population Projections
HF 1.31	Summary of Migration & Other Components of Change – AVDC Graph
HF 1.32	Correction to Table 3.3 of HF/2/2 Appendix 2
HF 1.33	Aylesbury East Master Plan
HF 1.34	Statistical Bulletin Annual Mid Year Population Estimate for England and Wales 2012
HF 1.35	Statistical Bulletin Interim 2011 Based Subnational Population Projections for England
HF 1.36	Information Paper Subnational Population Projections
HF 1.37	Employment Graph 1997 – 2012 + Raw Data (Experian)
HF 1.37a	Cover note to accompany HF 1.37
HF 1.38	Critical review of AV/JG/2.4 – Supplementary Note
HF 1.39	Aylesbury Vale Housing Trajectory 2011-2031
HF 1.40	Summary of Annual Housing Requirement Drawn from Figure 25 AV/JG/2.2

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

HF 1.41	Hampden Fields Technical Note – Transport Information Request
HF 1.42	HFAG newsletter and template objection letters
HF 1.43	AVDC saved policies tables and justification
HF 1.44	High Court Judgement – Bedford v SoS & Nuon dated 26 July 2013
HF 1.45A	A41 Cross Sections (SK 028)
HF 1.45B	A41 Cross Sections (SK 029)
HF 1.46	Technical Note – NOMIS Trip Internalisation
HF 1.47	Mode Shift Comparison Note
HF 1.48	Comparison of PPTC
HF 1.49	1813 Ordnance Survey Maps
HF 1.50	HF Historic Enclosure Pattern
HF 1.51	Transport Advisory Leaflet 3/97 March 1997 'The MOVA' Signal Control System
HF 1.52	Opening Statement
HF 1.53	Closing Submissions
HF 1.54	Deed of Covenant dated 5 December 2013: The Consortium to AVDC
HF 1.55	Deed (Planning Obligations s106) dated 5 December 2013: The Consortium and AVDC
HF 1.56	Deed (Planning Obligations s106) dated 5 December 2013: The Consortium and BCC
HF 1.56A	Official copies of register of titles
HF 1.56B	Heads of CIL Compliance (AVDC)
HF 1.56C	Heads of CIL Compliance (BCC)
HF 1.57A	Final list of draft planning conditions
HF 1.57B	Schedule of additional conditions (+ Drawing no 108 - 19.06.2013)
HF 1.58	Response re Planning Practice Guidance

HALLAM LAND MANAGEMENT

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

HL 1.1	A covering letter, dated 30 th March 2012
HL 1.2	Planning application form including Ownership Certificate B and Agricultural Holdings Certificate
HL 1.3	a) Location Plan - 4349-L-08-A b) EIA Parameters Plan - Master Plan - 4349-L-105-F c) Future Park and Ride Site Access and Mixed Use Development Site Access - Figure 4.2 Rev A
HL 1.4	Environmental Impact Assessment, including the Transport Assessment (Volume 2), May 2012
HL 1.5	Planning Statement, 29 March 2012
HL 1.6	Design and Access Statement, March 2012
HL 1.7	Landscape and Visual Impact Appraisal, 29 March 2012
HL 1.8	An Arboricultural Assessment, 27 March 2012
HL 1.9	An Ecological Appraisal, 27 March 2012
HL 1.10	Sustainability Appraisal/Energy Statement Revision 2, 3 April 2012
HL 1.11	Service Supply Statement, 16 March 2012
HL 1.12	A Flood Risk Assessment Revision 3, 20 June 2012
HL 1.13	Geo-Environmental Phase 1 Desk Study, 23 March 2012
HL 1.14	Archaeological Statement, 16 March 2012
HL 1.15	Indicative Layout Plan 4349-L-09, April 2012
HL 1.16	Statement of Community Involvement, June 2012
HL 1.17	Employment Land Review Letter from Savills, 28 May 2012
HL 1.18	Draft section 106 Heads of Terms
HL 1.19	Email from Chris Welch English Heritage
HL 1.20	Response by Hallam on Conditions for Fleet Marston Church & BL1.88
HL 1.21	Opening Statement
HL 1.22	Closing Submissions
HL 1.23	Final list of draft planning conditions (see also CD 6.26)
HL1.24	s106 Agreement (AVDC) dated 6 December 2013 (mixed-use scheme)
HL1.25	s106 Agreement (AVDC) dated 6 December 2013 (residential scheme)
HL1.26	s106 Agreement (BCC) dated 6 December 2013 (mixed-use scheme)
HL 1.27	s106 Agreement (BCC) dated 6 December 2013 (residential scheme)
HL 1.28	Response re Planning Practice Guidance

DEVELOPMENT PLAN DOCUMENTS

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

CD 3.1	The South East Plan (2009)
CD 3.2	The Milton Keynes and South Midlands Sub-Regional Study (2005)
CD 3.3	Aylesbury Vale District Local Plan (2004)
CD 3.4	Secretary of State Direction on Saved Local Plan Policies (24 September 2007)
CD 3.5	Aylesbury Vale District Local Plan Inspector's Report part 1 (Aylesbury) 2002
CD 3.6	Extract SEP Panel Report – Affordable Housing and other Housing Policies

NATIONAL PLANNING DOCUMENTS

CD 4.1	National Planning Policy Framework (2012)
CD 4.2	Secretary of State's letter of 27 May 2010 confirming the Government's intention to abolish Regional Strategies*
CD 4.3	Letter to Chief Planning Officers dated 6 July 2010*
CD 4.4	Letter to Chief Planning Officers dated 10 November 2010*
CD 4.5	Ministerial Statement – Planning for Growth – March 2011
CD 4.6	The Localism Act 2011
CD 4.7	External Review of Government Planning Practice Guidance (DCLG, 2012)
CD 4.8	The Planning System: General Principles (ODPM. 2005)*
CD 4.9	Technical Guidance to the National Planning Policy Framework (DCLG, 2012)*
CD 4.10	'Housing and Growth' Ministerial Statement - 6 September 2012
CD 4.11	'Housing the Next Generation', Keynote Speech, Nick Boles MP, 10 January 2013
CD 4.12	Planning and Compulsory Purchase Act 2004 S.21 Intervention by Secretary of State
CD 4.13	Publication of a Development Plan Document (Regulation 27)
CD 4.14	Planning Policy Statement 7: Sustainable Development In Rural Areas*
CD 4.15	Circular 11/95: Planning Conditions*

* Cancelled following publication of National Planning Practice Guidance

RELEVANT APPEAL DECISIONS & JUDGMENTS

CD 5.1	Secretary of State Appeal Decision Report References APP/J0405/A/11/2155042 and APP/J0405/A/11/2155043 – Land at Quarrendon Fields, Aylesbury, Bucks
CD 5.2	Secretary of State Appeal Decision Report Reference APP/X0360/A/11/2157754 Land at Kentwood Farm, Warren House Road, Wokingham, Berkshire
CD 5.3	High Court Judgment R (Cala Homes (South) Limited) v Secretary of State for Communities & Local Government (No. 2) [2011] EWHC 97 (Admin)
CD 5.4	Secretary of State Appeal Decision Report Reference APP/H1033/A/11/2159038 Land at Manchester Road/Crossings Road, Chapel-en-le-Frith, High Peak, Derbyshire
CD 5.5	Secretary of State Appeal Decision Report Reference APP/H1840/A/12/2171339 Land Between Station Road and Dudley Road, Honeybourne, Worcestershire
CD 5.6	Secretary of State Appeal Decision Report Reference APP/J3720/A/11/2163206 Land West of Shottery, South of Alcester Road and North of Evesham Road, Stratford-Upon-Avon
CD 5.7	Secretary of State Appeal Decision Report Reference APP/E2530/A/11/2150609 Land to the North of Grantham (bounded by the East Coast Main Railway Line, Belton Lane and the A607 High Road Manthorpe), Lincolnshire
CD 5.8	Homelands Farm Bishops Cleave APP/G1630/A/11/2146206
CD 5.9	Land at Burgess Farm Hilton lane Worsley APP/U4230/A/11/2157433
CD 5.10	Sellars Farm Hardwicke Gloucestershire APP/C1625/A/11/2165865
CD 5.11	East Hampshire Joint Core Strategy Inspector's Preliminary Report November 2012
CD 5.12	Rother District Local Plan Inspector's Preliminary Conclusions - 13 December 2012
CD 5.13	Ryedale District Local Plan Inspector's Interim conclusions - December 2012
CD 5.14	Dacorum Core Strategy – Inspector's Preliminary Findings on Matters Relating to Housing Provision and the Green Belt - November 2012
CD 5.15	Coventry City Council Inspector's Report on Duty to Co-operate - 27 February 2013

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

CD 5.16	Appeal decision 2181741 – Warren Farm, Masbury Wells
CD 5.17	Secretary of State Appeal Decision Reference APP/J0405/A/12/2188868 Land Off Stablebridge Road, Aston Clinton, Bucks
CD 5.18	High Court Decision HQ11X01926 Leeds United FC and The Chief Constable of West Yorkshire Police
CD 5.19	Appeal Decision Land West of Shinfield, West of Hyde End Road and Hollow Lane and South of Church Lane Shinfield
CD 5.20	Land at Paul's Moor Appeal Decision APP/X1118/A/08/2083682
CD 5.21	Land between West Bourton & Whistley Farm, Silton APP/N1215/A/11/2160839

APPEAL DOCUMENTS

CD 6.1	SoCG between Barwood Land and Estates Ltd and AVDC
CD 6.1A	SoCG between Barwood Land and Estates Ltd and AVDC June 2013
CD 6.2	SoCG between Barwood Land and Estates Ltd and BCC
CD 6.3	SoCG between Hampden Fields Consortium and AVDC
CD 6.4	PINS Pre-Inquiry Meeting Note – 15 December 2012
CD 6.5	PINS Pre-Inquiry Meeting Note – 12 March 2013
CD 6.6	Hampden Fields Consortium – Statement of Case (April 2013)
CD 6.7	Barwood Land and Estates – Statement of Case (October 2012)
CD 6.8	Hallam Land Management – Statement of Case (April 2013)
CD 6.9	Hallam Land Management - Rule 6 Statement of Case for Hampden Fields (April 2013)
CD 6.10	AVDC – Statement of Case Fleet Marston Updated (April 2013)
CD 6.11	AVDC – Statement of Case Hampden Fields (April 2013)
CD 6.12	AVDC – Statement of Case Weedon Hill (April 2013)
CD 6.13	Statement of Common Ground Between Hallam Land and AVDC
CD 6.14	Position Statement in relation to reason for refusal 4 – Fleet Marston
CD 6.15	Position Statement on Housing Requirement

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

CD 6.16A	FM Transport Statement of Common Ground (Cumulative Impact)
CD 6.16B	Weedon Hill Transport Statement of Common Ground (Cumulative Impact)
CD 6.17	FM Position Statement Conditions and s106 Agreement (see also CD 6.28)
CD 6.18	Hampden Fields Supplementary SoCG – AVDC
CD 6.19	Hampden Fields Draft Conditions & Plan (No.108)
CD 6.20	Hampden Fields Position Statement – BCC Heads of Terms
CD 6.21	SoCG on Highway and Transport Matters (The Consortium and BCC)
CD 6.22	Hallam Statement of Case (July 2013)
CD 6.23	AVDC Statement of Case (July 2013)
CD 6.24	SoCG Between Hallam and AVDC dated 17 September 2013
CD 6.25	Email confirming date of above SoCG should be '2013 not 2012'
CD 6.26	Draft Schedule of Conditions (Weedon Hill mixed-use)
CD 6.27	Draft s106 (Hallam and BCC) (superseded)
CD 6.28	Bundle of documents following position of AVDC and Barwood in relation to planning conditions and s106 obligation

Other National Guidance

CD 7.1	By Design – Urban Design in the Planning System: towards better practice (DETR / CABE, 2000)
CD 7.2	Standing Advice on Ancient Woodland (Natural England, 2012)
CD 7.3	Green Infrastructure Guidance (Natural England, 2009)
CD 7.4	'Nature Nearby' Accessible Natural Greenspace Guidance (Natural England, 2010)
CD 7.5	Guidelines for Ecological Impact Assessment in the United Kingdom (The Institute of Ecology and Environmental Management, 2006)
CD 7.6	Wildlife and Countryside Act 1981 (as amended)
CD 7.7	Conservation of Habitats and Species Regulations 2010 (as amended)
CD 7.8	The Natural Environment and Rural Communities Act 2006

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

CD 7.9	The Countryside and Rights of Way Act 2000
CD 7.10	The Protection of Badgers Act 1992
CD 7.11	European Commission, 2001. Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
CD 7.12	European Commission, 2000. Managing Natura 2000 Sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC
CD 7.13	Guidelines for Landscape and Visual Impact Assessment: Second Edition (The Landscape Institute and the Institute of Environmental Management and Assessment, 2002)
CD 7.14	Guidelines for Landscape and Visual Impact Assessment: Third Edition (The Landscape Institute and the Institute of Environmental Management and Assessment, 2013)
CD 7.15	Landscape Character Assessment – Guidance for England and Scotland, prepared on behalf of the Countryside Agency and Scottish Natural Heritage (Carys Swanwick and Land Use Consultants, 2002)
CD 7.16	Landscape Character Assessment: Guidance for England and Scotland - Topic paper 6 Techniques and Criteria for Judging Capacity and Sensitivity (Scottish Natural Heritage and the Countryside Agency, 2002)
CD 7.17	Guidance on Transport Assessments (Department for Transport, 2007)
CD 7.18	Design Manual for Roads and Bridges (DMRB) TA79/99 Traffic Capacity of Urban Roads
CD 7.19	Manual for Streets (Department for Transport, 2007)
CD 7.20	Manual for Streets 2 (The Chartered Institute for Highways and Transportation, 2010)
CD 7.21	Local Transport Note 1/12 Shared Use Route for Pedestrians and Cyclists 2012
CD 7.22	Setting of Heritage Assets (English Heritage, Revised 2012)
CD 7.23	PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (English Heritage, Revised 2012)
CD 7.24	Conservation Principles, Policies and Guidance (English Heritage, 2008)
CD 7.25	Landscape Institute Advice Note 01/11: Photography and Photomontage in Landscape and Visual Impact Assessment (March 2011)

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

CD 7.26	Towards an Urban Renaissance (Urban Task Force, 1999)
CD 7.27	Good Practice Guidelines: Delivering Travel Plans through the Planning Process (April, 2009)
CD 7.28	Information Paper – Quality and Methodology Information, Office for National Statistics, 30 April 2013
CD 7.29	DCLG -SHMA Practice Guidance Version 2
CD 7.30	Extract from CLG Plan

LAND EAST OF A413 BUCKINGHAM ROAD AND WATERMEAD, AYLESBURY

CD 8.1	Application covering Letter dated 11 February 2013
CD 8.2	Application form dated 11 February 2013
CD 8.3	Plans - a. Location Plan (Ref – 4962-L-02 Rev D) b. Indicative Layout (Ref – 4962-L-05) c. Figure 3 EIA Parameters Plan (Ref – 4962-L-04 Rev L) d. Proposed A418 Aylesbury Road/Link Road Junction (Ref – VN112801-ECC-DG-0013 Rev B) e. Western Link Road Roundabout (Ref - VN112801-ECC-DG-0014)
CD 8.4	Design & Access Statement (February 2013)
CD 8.5	Planning Statement (David Lock Associates, February 2013)
CD 8.6	Statement of Community Involvement (David Lock Associates, February 2013)
CD 8.7	Sustainability Report (Brookbanks, February 2013)
CD 8.8	Environmental Statement – Volume 1 (FPCR, February 2013)
CD 8.9	Environmental Statement – Volume 2 – Flood Risk Assessment (Brookbanks, February 2013)
CD 8.10	Environmental Statement – Volume 3 – Geo-Environmental Phase 1 Desk Study (Brookbanks, February 2013)
CD 8.11	Environmental Statement – Volume 4 – Transport Assessment (SKM Colin Buchanan, February 2013)
CD 8.12	Environmental Statement Appendices
CD 8.13	Environmental Statement – Non-Technical Summary (February 2013)
CD 8.14	Strategic Development Control Committee Report – 29 May 2013

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

CD 8.15	Strategic Development Control Committee Overview Report – 29 May 2013
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LOCAL AUTHORITY REPRESENTATIONS ON VAP PRE-SUBMISSION PUBLICITY

CD 9.1	Buckinghamshire County Council letter dated 13 June 2013
CD 9.2	Central Bedfordshire letter dated 19 June 2013
CD 9.3	Cherwell District Council letter dated 19 June 2013
CD 9.4	Chiltern District Council a) Comment form on Section 1, Spatial Vision and Strategic Objective & Policy VS2 and Table 1 b) Comment form on Policy VS4, Policy VS7 and Table 3, & the contingency approach – paragraphs 4.14 to 4.16 c) Comment form on the Sustainability Appraisal d) Report to Chiltern District Council Housing and Planning Overview Committee dated 18 June 2013
CD 9.5	Dacorum Borough Council letter dated 19 June 2013
CD 9.6	Hertfordshire County Council letter dated 28 May 2013
CD 9.7	Milton Keynes Council comment form
CD 9.8	South Bucks Council, VAP Proposed Submission Publicity Comment Survey and letter dated 18 June 2013
CD 9.8a	South Bucks DC further letter dated 8 July 2013
CD 9.9	South Northamptonshire Council comment form
CD 9.10	West Northamptonshire Joint Planning Unit Comment Form
CD 9.11	Wycombe District Council Comment Form
CD 9.12	South Oxfordshire District Council

INSPECTOR'S DOCUMENTS

X1	Inspector's list of matters
X2	Inspector's Ruling on HS2 and EIA matters
X3	Email from Programme Officer to Buckinghamshire County Council dated 16 Aug 2013
X4	Inspector's Note re Inquiry Programme (weeks 7 & 8)
X5	Inspector's Note on Fleet Marston Church

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

X6	Inspector's Note on Fleet Marston Conditions
X7	Inspector's Note on Hampden Fields Conditions
X8	Inspector's Ruling 30 October 2013
X9	Inspector's Ruling 31 October 2013
X10	Inspector's note re. Del Tester's appearance at the Inquiry
X11	Inspector's note re. closing
X12	Inspector's Ruling – Content of summary closing submissions

DOCUMENTS SUBMITTED BY INTERESTED PERSONS

CCT.1	The Churches Conservation Trust: Written Submissions
BR.1	Bierton with Broughton Parish Council: Oral Statement
TVP.1	Thames Valley Police: Statement and Appendices & Summary
NT.1	National Trust: Statement and Appendices
JM.1	James Mosse: Statement to be read to Inquiry
HG.1	Hugh Gwilliams Resident of Weston Turville: Statement to be read at Inquiry
JR.1	Jackie Robson: Statement
DV.1	Councillor David Vick: Statement
BCC 1	Letter from BCC Education dated 14 August 2013
WPC.1	Weedon Parish Council: Statement
JC.1	John Charnock: Statement
JC.2	John Charnock additional documents re septic tank
MC.1	Mrs Coe: Statement
SL.1	Stephen Lehec: Statement (Aylesbury Grammar School)
MW.1	Councillor Mark Winn: Statement
SCAS.1	Email dated 6 November 2013 from South Central Ambulance Service NHS Foundation Trust

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

SCAS.2	Email dated 22 November 2013 from South Central Ambulance Service NHS Foundation Trust
DL.1	Email dated 6 November 2013 from David Lidington MP
DM.1	Email dated 6 November 2013 from David Martin
JH.1	Email dated 6 November 2013 from Jenny Hunt, Chairman, Stoke Mandeville Parish Council
OW.1	Email dated 5 November 2013 from Olly Wright, Thames Valley Police
NMB.1	Memorandum from N M Biggs (Thames Valley Police – Traffic Management) to T/Supt Olly Wright

ANNEX C: PROOFS OF EVIDENCE AND RELATED DOCUMENTS**AYLESBURY VALE DISTRICT COUNCIL**

AV/JB/1.1	Proof of Evidence (Fleet Marston): Jonathan Bellars
AV/JB/1.2	Proof of Evidence (Hampden Fields): Jonathan Bellars
AV/JB/1.3	Proof of Evidence (Weedon Hill): Jonathan Bellars
AV/JB/1.1R	Rebuttal Proof of Evidence (Fleet Marston): Jonathan Bellars
AV/JB/1.2R	Rebuttal Proof of Evidence (Hampden Fields): Jonathan Bellars
AV/JB/1.3R	Rebuttal Proof of Evidence (Weedon Hill): Jonathan Bellars
AV/JB/1.3S	Supplementary Proof of Evidence (Weedon Hill): Jonathan Bellars
AV/JB/1.1.1 – 1.1.17	Appendices (Fleet Marston): Jonathan Bellars
AV/JB/1.2.1 – 1.2.5	Appendices (Hampden Fields): Jonathan Bellars
AV/JB/1.3.1 – 1.3.10	Appendices (Weedon Hill): Jonathan Bellars
AV/JG/2.1	Proof of Evidence: Justin Gardner
AV/JG/2.2	Updated Demographic Projections Report
AV/JG/2.3	Rebuttal Proof of Evidence: Justin Gardner
AV/JG/2.4	Supplementary Note (Housing Requirements Across the Housing Market Area): Justin Gardner

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

AV/JG/2.5	BLANK
AV/JG/2.6	Impact of New Migration Data
AV/JG/2.7	DCLG publication 2011 based Interim Household Projections Quality Report April 2013
AV/JHB/3/1	Proof of Evidence: John Byrne
AV/JHB/3/1	Rebuttal Proof of Evidence: John Byrne
AV/EH/4.1	Proof of Evidence: Emilia Hands
AV/EH/4.1R	Rebuttal Proof of Evidence: Emilia Hands
AV/PJ/5.1	Proof of Evidence: Philippa Jarvis
AV/PJ/5.2	Appendices to Proof of Evidence: Philippa Jarvis
AV/PJ/5.3R	Rebuttal Proof of Evidence: Philippa Jarvis
AV/PJ/5.4a	Updated 5 year Housing Land Supply Table at March 2013
AV/PJ/5.4b	Land East of Watermead: (i) main report to SDDC (29/5/13); (ii) overview report; & (iii) decision notice;
AV/PJ/5.5	Errata Note to Proofs of Evidence: Philippa Jarvis
AV/PJ/5.6	Supplementary Proof of Evidence (Weedon Hill residential): Philippa Jarvis
AV/DT/6.1	Proof of Evidence (Hampden Fields): Del Tester
AV/DT/6.2	Proof of Evidence (Cumulative Assessment): Del Tester
AV/DT/6.3	Rebuttal Proof of Evidence (Cumulative Assessment): Del Tester

BARWOOD LAND AND ESTATES LIMITED

BL/CB/1/1	Proof of Evidence: Clare Brockhurst
BL/CB/1/2	Appendices to Proof of Evidence: Clare Brockhurst
BL/CB/1/3	Summary Proof of Evidence: Clare Brockhurst
BL/CB/1/4	Rebuttal Proof of Evidence: Clare Brockhurst
BL/CB/1/5	Viewpoints Comparison (attached to BL/CB/1/4)
BL/ML/2.1	Proof of Evidence: Michael Lowndes

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

BL/ML/2.2	Illustrated Companion Volume: Michael Lowndes
BL/ML/2.3	Appendices to Proof of Evidence: Michael Lowndes
BL/ML/2.4	Summary Proof of Evidence: Michael Lowndes
BL/ML/2.5	Rebuttal Proof of Evidence: Michael Lowndes
BL/ML/2.6	Rebuttal Appendices: Michael Lowndes
BL/CM/3.1	Proof of Evidence: Chris Miele
BL/CM/3.2	Appendices to Proof of Evidence: Chris Miele
BL/CM/3.3	Summary Proof of Evidence: Chris Miele
BL/CR/4.1	Proof of Evidence: Cullan Riley
BL/CR/4.2	Appendix to Proof of Evidence: Cullan Riley
BL/CR/4.3	Summary Proof of Evidence: Cullan Riley
BL/CR/4.4	Rebuttal Proof of Evidence: Cullan Riley
BL/MT/5.1	Proof of Evidence: Mike Taylor
BL/MT/5.2	Appendices to Proof of Evidence: Mike Taylor
BL/MT/5.3	Summary Proof of Evidence: Mike Taylor
BL/MT/5.4	Supplementary Proof of Evidence: Mike Taylor
BL/MT/5.5	Rebuttal Proof of Evidence: Mike Taylor

HAMPDEN FIELDS CONSORTIUM

HF/2/1	Proof of Evidence: Ian Tant
HF/2/2	Appendices to Proof of Evidence: Ian Tant
HF/2/3	Summary Proof of Evidence: Ian Tant
HF/2/4	Rebuttal Proof of Evidence: Ian Tant
HF/3/1	Proof of Evidence: Richard Hutchings
HF/3/2	Appendices to Proof of Evidence: Richard Hutchings
HF/3/3	Summary Proof of Evidence: Richard Hutchings

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

HF/3/4	Rebuttal Proof of Evidence: Richard Hutchings
HF/4/1	Proof of Evidence: Stephen Kirkpatrick
HF/4/2	Appendices to Proof of Evidence: Stephen Kirkpatrick
HF/4/3	Summary Proof of Evidence: Stephen Kirkpatrick
HF/4/4	Rebuttal Proof of Evidence: Stephen Kirkpatrick
HF/5/1	Proof of Evidence: Jonathan Reynolds
HF/5/2	Appendices to Proof of Evidence: Jonathan Reynolds
HF/5/3	Summary Proof of Evidence: Jonathan Reynolds
HF/5/4	Rebuttal Proof of Evidence: Jonathan Reynolds
HF/6/1	Proof of Evidence: Christopher Moore; ¹¹⁴⁷ Figures and Plates to Proof of Evidence: Christopher Moore including Appendix prepared by Paul White
HF/6/2	Appendices to Proof of Evidence: Christopher Moore comprising Appendices prepared by Paul White and Anne Upson
HF/6/3	Summary Proof of Evidence: Christopher Moore
HF/6/4	Rebuttal Proof of Evidence: Christopher Moore
HF/6/5	Rebuttal Proof of Evidence: Paul White
HF/6/6	Proof of Evidence: Christopher Moore
HF/6/7	Proof of Evidence: Christopher Moore
HF/7/1	Proof of Evidence: Benjamin Kite
HF/7/2	Appendices to Proof of Evidence: Benjamin Kite
HF/7/3	Summary Proof of Evidence: Benjamin Kite
HF/7/4	Maps to Proof of Evidence: Benjamin Kite
HF/8/1	Proof of Evidence: Stephen Smith ¹¹⁴⁸
HF/8/2	Appendices to Proof of Evidence (Volumes 1 – 3): Stephen Smith
HF/8/3	Executive Summary from Proof of Evidence: Stephen Smith

¹¹⁴⁷ Mr Moore was not called to give evidence

¹¹⁴⁸ Mr Smith was not called to give evidence

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

HF/8/4	Statement of Common Ground (Development Viability)
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HALLAM LAND MANAGEMENT LIMITED

HL/PD/1.1	Proof of Evidence: Paul Drury
HL/PD/1.2	Appendices to Proof of Evidence: Paul Drury
HL/JB/2.1	Proof of Evidence (& Appendices): Jennifer Baker
HL/JB/2.3	Summary Proof of Evidence: Jennifer Baker
HL/JB/2.4	Rebuttal Proof of Evidence: Jennifer Baker
HL/PR/3.1	Proof of Evidence (Mixed-Use): Phil Rech
HL/PR/3.2	Appendices to Proof of Evidence: Phil Rech
HL/PR/3.3	Summary Proof of Evidence: Phil Rech
HL/PR/3.4	Rebuttal Proof of Evidence: Phil Rech
HL/PR/3.5	Proof of Evidence (Residential): Phil Rech
HL/PR/3.6	Appendices to Proof of Evidence (Residential): Phil Rech
HL/PR/3.7	Summary Proof of Evidence: Phil Rech
HL/CH/4.1	Proof of Evidence (& Appendices): Christopher Hough
HL/CH/4.2	Productions Appended to Proof of Evidence: Christopher Hough
HL/CH/4.3	Rebuttal Proof of Evidence: Christopher Hough
HL/CH/4.4	Proof of Evidence (Residential): Christopher Hough

HAMPDEN FIELDS ACTION GROUP

HFAG 1	Hampden Fields Action Group Constitution
HFAG 2	Peter Radmall Instructions from HFAG
HFAG 3	Note on landscape and visual case
HFAG 4	Highway submission 29 October 2013
HFAG 5	Opening Statement
HFAG 6	Closing Submissions

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

HFAG/GT/1	Proof of Evidence: Geoffrey Taylor
HFAG/GT/2	Supplemental Proof of Evidence: Geoffrey Taylor
HFAG/GT/3	Supplemental note from Geoffrey Taylor
HFAG/PF/1	Proof of Evidence: Peter Forest
HFAG/PR/1	Proof of Evidence: Peter Radmall
HFAG/PR/2	Supporting Figures: Peter Radmall
HFAG/PR/3	Wireframe Views: Peter Radmall
HFAG/JS	Witness Statement: John Savage
HFAG/PY	Witness Statement: Phil Yerby
HFAG/CG	Witness Statement: Christopher Gill
HFAG/AC	Witness Statement: Ms Anne Cooney

ARNOLD WHITE ESTATES LIMITED

GG/1	Extract from HS2 ES – CFA 11 Stoke Mandeville mapbook
GG/2	Extract of Highways Standards
GG/3	Noise assessment Extract
GG/4	Letter and plan re. HS2
GG/5	A3 plan re. HS2 (large format copy of attachment to GG4)
GG/6	Note to Inquiry re. HS2
GG/7	HS2 Government Announcement – Safeguarding Directions
GG/8	HS2 Phase One Safeguarding Directions with Plans
GG/9	Note in response to Barwood Land Note (Katie Helmore of Counsel)
GG/10	AWE Note in Response to FM Note re HS2 Letter (Katie Helmore of Counsel) - 19 July 2013
GG/11	Press release on Court Appeal HS2 ruling
GG/12	Lorry sizes and weights
GG/13	The new Actros – cab variants

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

GG/14	BCC Member Decision and Report – May 2013
GG/15	Fleet Marston – BCC Highway Comments dated 3 May 2012
GG/16	Note re Additional topic Areas for Mr Tester
GG/17	Opening Statement
GG/18	Proof of Evidence: Geoff Gardner
GG/19	Closing Submissions

**ANNEX D(i):
DRAFT PLANNING CONDITIONS (FLEET MARSTON)¹¹⁴⁹**

Relevant Plans

1) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans:

- Site Location Plan (BARY2000);
- Movement Infrastructure Parameter Plan (BARY2000/PP_01);
- Land Use Parameter Plan (BARY2000/PP_02);
- Green Infrastructure Parameter Plan (BARY2000/PP_05);
- Route Infrastructure Parameter Plan (BARY2000/PP_01);
- Building Heights Parameter Plan (BARY2000/PP_03);
- Building Density Parameter Plan (BARY2000/PP_04);
- Proposed Access Arrangements (B2-08047-053);
- Proposed Access Arrangements (B2-08047-054).

REASON: To ensure a satisfactory form and appearance to the development and to comply with policies GP.8, GP.24, GP.35, GP.38, GP.39, GP.40, GP.45, GP.53, GP.59, GP.66, GP.84, GP.89 – 92, GP.94, GP.95 and AY.17 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

2) No more than 2,745 dwellings shall be constructed on the site pursuant to this planning permission.

REASON: The application is for outline planning permission.

Phasing

3) The development shall not be commenced until a phasing plan relating to the whole development is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans identified in Condition 1 and the approved phasing plan.

REASON: The application is for outline planning permission.

4) The phasing plan shall include details of the location, amount and phasing of the delivery or provision of the following:

- the access for the site;
- the residential dwellings to include affordable housing;

¹¹⁴⁹ The content of this Schedule of Conditions records the position between Barwood Land and Estates Ltd. and Aylesbury Vale District Council at 6 December 2013. The Conditions and alternative wording proposed should be read in conjunction with all previous correspondence submitted to the Inquiry by both parties.

Agreed conditions shown in **Bold** text

Disputed conditions shown in un-marked text

AVDC alternative proposed wording for conditions shown in *italics and underlined*

- the employment land;
- the residential care home;
- the Community Facility;
- the Nature Interpretation facility;
- the local retail and commercial centres (the A Use Class and B Use Class floorspace);
- the green infrastructure (by type) including areas of public open space, areas for play (including LEAPs, NEAPs and MUGAs), the allotments and orchards;
- the Health Centre;
- the railway station site;
- the education provision;
- the refurbishment of St Mary's Church;
- the waste and recycling facilities.

REASON: The application is for outline planning permission.

AVDC Alternative Condition 4 Wording

The phasing plan shall include details of the location, amount and phasing of the delivery or provision of the following to include reference to relevant standards/parameters as identified in conditions 13, 29, 30 and 31:

- the access for the site;
- the residential dwellings to include affordable housing;
- the employment land;
- the residential care home;
- the Community Facility;
- the Nature Interpretation facility;
- the local retail and commercial centres (the A Use Class and B Use Class floorspace);
- the green infrastructure (by type) including areas of public open space, areas for play (including LEAPs, NEAPs and MUGAs), the allotments and orchards, Fleet Meadows;
- the Health Centre;
- the railway station site;
- the education provision;
- the waste and recycling facilities.

- 5) The Phasing Plan shall include details of the sequence in which the phases are to be developed individually or concurrently to each other.

The maximum percentage of the residential dwellings that may be occupied in each phase of the development prior to the completion of the community infrastructure and facilities as approved by the Local Planning Authority for that

phase of development shall be in accordance with the following:

- the Community Facility – 60%;
- the Nature Interpretation facility – 60%;
- the local retail and commercial centres and employment land – 60%;
- the green infrastructure (by type) including areas of public open space, areas for play (including LEAPs, NEAPs and MUGAs), the allotments and orchards – 50%.

No more than 50% of the residential dwellings in any phase shall be occupied prior to the completion of the community infrastructure and facilities in the immediately preceding phase.

REASON: to ensure a satisfactory form of development and to comply with the National Planning Policy Framework.

AVDC Alternative Condition 5 Wording

The phasing plan shall include details of the sequence in which the phases are to be developed individually or concurrently to each other. It shall ensure that strategic items of infrastructure are made available for use as follows:

- Community centre – prior to occupation of 750 dwellings
- Sports facilities / sports pavilion prior to occupation of 1000 dwellings
- Allotments and community orchard – prior to occupation of 1300 dwellings
- Fleet Meadows (to include the Nature Interpretation Facility) – 1000 dwellings
- Local retail and commercial centres – first by 750 dwellings, second by 1500 dwellings
- Serviced employment land – 300 dwellings

No more than 50% of the residential dwellings may be occupied in each phase of the development prior to the completion of the community infrastructure and facilities (to include areas of public open space, areas for play (including LEAPs and NEAPs) or 60% in the case of the strategic infrastructure as approved by the Local Planning Authority for that phase of development.

No more than 50% of the residential dwellings in any phase shall be occupied prior to the completion of the community infrastructure and facilities in the immediately preceding phase.

- 6) There shall be no occupation of buildings permitted in each phase of the development until the following services and infrastructure are completed for those buildings as appropriate in accordance with the approved plans submitted on a phase by phase basis in accordance with the Phasing Plan approved pursuant to Conditions 3, 4 and 5 approved by the LPA, including:**

- **the vehicular, cycle and pedestrian access including internal estate roads and junctions;**
- **bus stops;**

- foul water, sewerage and drainage infrastructure;
- flood risk mitigation;
- electricity, gas and telecommunication utility infrastructure;
- household and commercial waste storage and recycling facilities.

REASON: to ensure a satisfactory form of development and to comply with the National Planning Policy Framework.

Design Code

- 7) A Design Code for the development shall be submitted to the Local Planning Authority for its approval in writing prior to the submission of the first Reserved Matters application for the development. The Design Code shall demonstrate how the objectives of the Design and Access Statement (2010) and the Addendum Design and Access Statement (2012) will be met, and shall take account of the drawings referred to in Condition 1 above. The Design Code shall include the following:
- a) principles for determining the quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using recycled construction materials;
 - b) principles of built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
 - c) principles of hard and soft landscaping including the inclusion of important trees and hedgerows;
 - d) principles for determining the design of structures (including street lighting, lighting and boundary treatments for commercial premises, street furniture and play equipment);
 - e) principles for determining the design of the public realm, areas of public open space, areas for play (including LEAPs, NEAPs and MUGAs), the allotments and orchards;
 - f) principles for determining the design and layout of sports and leisure provision;
 - g) principles of conservation of flora and fauna interests and encouragement of biodiversity;
 - h) principles of a hierarchy of streets and spaces;
 - i) principles for the alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, bridleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
 - j) principles for on-street and off-street residential and commercial vehicular parking and/or loading areas;
 - k) principles of cycle parking and storage.

The Development shall be carried out in accordance with the principles established in the approved Design Code.

REASON: To ensure a satisfactory appearance to the development and to comply with policies GP.24, GP.35, GP.38, GP.39, GP.45 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Reserved Matters and Implementation

AVDC Additional Condition to Define Reserved Matters

Approval of the details of the access, layout, scale, design and external appearance of each phase or development parcel within a phase and the landscaping associated with it (the "reserved matters") shall be obtained in writing from the Local Planning Authority before that phase or development parcel within that phase is commenced. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: To comply with Article 5 of the Town and Country Planning (Development Management Procedure) Order 2010.

- 8) Application for the approval of the first Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 9) The first phase of the development hereby permitted shall be begun within 5 years of the date of this permission, or before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved in respect of the development parcels within the first phase of the development to be commenced, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 10) Application for approval of the Reserved Matters in respect of the development parcels within each subsequent phase of the development hereby permitted shall be made to the local planning authority before the expiration of 15 years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 11) Subsequent phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of the development parcels within that phase.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 12) The details to be submitted in the Reserved Matters applications for each phase of the development shall be in accordance with the approved parameter plans set out in Condition 1 above, and shall include the following details as appropriate:**
- a) the layout, specification for (1) any internal *estate* roads and junctions *to adoptable standards*, (2) footpaths, (3) parking, turning and loading/unloading areas (including visibility splays), (4) cycle parking areas, (5) cycle storage facilities, (6) access facilities for the disabled and (7) street lighting;**
 - b) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;**
 - c) details of all hard landscaped areas, footpaths including details of finished ground levels, all surfacing materials, and street furniture, signs, lighting, refuse and recycling storage units;**
 - d) details for all of the green infrastructure, including contours together with planting plans and schedules of trees and plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained (including cultivation, public realm, allotments and orchards) *and details of any SUDs measures*;**
 - e) details of play spaces including equipment, hard and soft landscaping treatments;**
 - f) details of the design and layout of sport pitches;**
 - g) details of compliance with the principles set out in the design code as approved pursuant to Condition 7;**
 - h) details of compliance with the Ecology Management Plan (EMP) as approved pursuant to Condition 17;**
 - i) location and mix of affordable housing.**

The development shall not be carried out otherwise than in accordance with the approved details as agreed in writing by the Local Planning Authority.

REASON: To comply with Article 5 of the Town and Country Planning (Development Management Procedure) Order 2010.

¹¹⁵⁰The landscaping scheme approved under Condition 12(d) relating to any phase of the development shall be carried out not later than the first planting season following the first occupation of the last of the building(s) to be occupied or the completion of the development in that phase to which it relates, whichever is the sooner.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a

¹¹⁵⁰ Un-numbered on schedule

tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory appearance to the development and to comply with policies GP.24, GP.35, GP.38, GP.39, GP.45, GP.95 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

13) The particulars submitted pursuant to Condition 12 (d), (e) and (f) above shall broadly accord with the:

- Good Practice Guide for the Provision of Public Open Space, AVDC (2004) as updated from time to time;
- Creating a New Allotment site, The National Allotment Society (2012);
- Design for Play, Play England (2008).

REASON: To ensure a satisfactory appearance to the development and to comply with policies GP.86, GP.87, GP.89 and GP.91 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

14) The particulars submitted pursuant to Condition 12(d) above shall include details in accordance with BS5837: 2012 (Trees in Relation to Design, Construction or Demolition, 2012):

- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter (when measured over the bark at a point 1.5 metres above ground level) exceeding 75mm, identifying which trees are to be retained and the crown spread of each retained tree;
- b) details of the species, diameter (when measured in accordance with (a) above), approximate height and an assessment of the health and stability of each retained tree;
- c) details of any proposed topping or lopping of any retained tree;
- d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree;
- e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

The approved details shall be carried out as agreed in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree that is to be retained in accordance with the plan referred to in (a) above. The protection measures referred to above shall be maintained throughout the whole period of site clearance, excavation and construction in relation to each phase of the development to which it relates.

REASON: To ensure that damage does not occur to the trees during building operations and to comply with policies GP.38 and GP.39 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Construction Management

15) Prior to the commencement of each phase of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority for that phase. Construction of each phase of the development shall not be carried out otherwise than in accordance with the approved CEMP. The CEMP shall include the following details:

- a) measures for traffic management, parking and turning for vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) piling techniques if necessary;
- d) storage of plant and materials;
- e) provision of boundary hoarding and lighting;
- f) protection of trees, hedgerows and other natural features;
- g) proposed means of dust suppression and noise mitigation;
- h) measures to prevent mud from vehicles leaving the site during construction;
- i) construction working and operational times;
- j) details of the storage of spoil or other excavated or deposited material on the site, including the height of such storage above either natural ground level of the approved ground level.

REASON: To safeguard the amenities of the area and to comply with policies GP.8 and GP.95 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Green Infrastructure Management and Maintenance Strategy

16) Prior to the commencement of the development a Green Infrastructure Management and Maintenance Strategy (to include public open space, LEAP, NEAP, MUGA and other sports and leisure facilities, allotments and orchards) shall have been prepared setting out the location, quantum and mix of Green Infrastructure for the phases of development in accordance with the Green Infrastructure Parameter Plan drawing number BARY2000/PP_05 and the consents issued pursuant to Conditions 3, 4 and 5 and submitted to and approved in writing by the Local Planning Authority. The approved Strategy shall include details of:

- a) the responsible management body and management scheme for the Green Infrastructure (including the costs of providing and subsequently maintaining the Green Infrastructure); and
- b) the maintenance schedules for all hard and soft landscape areas, Fleet Meadows nature reserve and open spaces (other than privately owned domestic gardens).

The development shall be carried out and managed and maintained thereafter in accordance with the approved Strategy.

REASON: To ensure a satisfactory appearance to the development and to

comply with policies GP.86 and GP.87 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

AVDC Alternative Condition 16 Wording

No development shall commence until a Green Infrastructure Maintenance and Management Strategy (GIMMS) has been submitted to and approved in writing by the Local Planning Authority. The GIMMS shall relate to all public open space, including LEAPs, NEAPs, MUGAs, Sports Pitches, Fleet Meadow, allotments and community orchards and any associated buildings and shall include the following:

- a) details of the future management and maintenance of all elements of the Green Infrastructure within all phases (covering a period of up to 25 years or until completion of the development hereby permitted, whichever is the later) including maintenance schedules for all hard and soft landscape areas (other than privately owned domestic gardens), play spaces and any associated features and where applicable having regard to the Ecology Management Plan (EMP) to be approved by the local planning authority pursuant to Condition 18 below;
- b) details of the responsible Management Body and related Management Scheme to include details of how it is to be set up, the levy or management charge relative to the cost of the management and maintenance of all elements of GI, and how it is to be operated and managed.

The development shall thereafter only be implemented in accordance with the approved strategy.

Ecology

- 17) Prior to the commencement of each phase of the development an Ecology Management Plan (EMP) setting out the ecological mitigation, enhancement and management measures required for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The Ecology Management Plan shall be based upon the mitigation and enhancement measures contained within the Environmental Statement (2010) and the Addendum Environmental Statement (2012) and shall include a programme for implementation, management and maintenance for each phase of the development. The approved Ecology Management Plan for each phase of the development shall thereafter be carried out as approved.

REASON: To address the impact of the development on biodiversity.

Drainage and Flooding

- 18) The development hereby permitted shall not be carried out otherwise than in accordance with the Addendum Flood Risk Assessment (2012).
REASON: For the avoidance of doubt and in order that the development proceeds in accordance with the submitted and approved documentation.

- 19) No built development shall be constructed within the 1000 year floodplain, in accordance with the principles of Section 2.3 of the

Addendum Flood Risk Statement, dated January 2012 completed by Halcrow (within Appendix 4 of the Addendum Planning Statement, January 2012) and as indicated on the Flood Zone 2 & 3 Extents plan (Drawing no. PSJFMA-0500-001 A).

REASON: To demonstrate that built development will avoid floodplain areas to prevent the increased risk of flooding to the site as proposed, and to adjacent and downstream sites, as a result of the development, as required by paragraph 103 of the National Planning Policy Framework.

- 20) No construction of any internal development road within Flood Zone 2 or 3, as indicated on the Flood Zone 2 & 3 Extents plan (Drawing no. PSJFMA-0500-001 A) shall begin until the design and a scheme for floodplain compensation as required has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:**
- a) detailed design of the proposed road where it crosses the floodplain;**
 - b) calculations demonstrating amount of floodplain lost.**

The scheme shall be implemented as approved.

REASON: To prevent the increased risk of flooding on and off site as a result of road construction within the floodplain and to maximise biodiversity enhancement possibilities.

- 21) Prior to the commencement of each phase of the development a detailed surface water drainage scheme for that phase in accordance with the principles of Section 2.4 of the Addendum Flood Risk Statement, dated January 2012 completed by Halcrow (within Appendix 4 of the Addendum Planning Statement, January 2012), Flood Risk Assessment (completed by Halcrow, dated July 2009) and Drawing No. PSJFMA-0500-003 A (Proposed Surface Water Drainage Strategy) shall be submitted to and approved by the Local Planning Authority. Each surface water drainage scheme shall include:**
- a) discharge of runoff to Greenfield rates in accordance with the principles identified on Drawing No. PSJFMA-0500-003 A (Proposed Surface Water Drainage Strategy);**
 - b) infiltration tests carried out to BRE365 to identify soakage potential for that development phase. The drainage scheme shall favour infiltration where shown to be reasonable and practical by these tests;**
 - c) implementation of SUDS in accordance with the principles of the Flood Risk Assessment (completed by Halcrow, dated July 2009); detailed plans of new swales, watercourses, soakaways and retention ponds being retained and/or provided;**
 - d) details of existing culvert upgrading, improvement, clearance and maintenance where required and detailed design of any new proposed culverts.**

The scheme shall be implemented as approved.

REASON: To prevent the increased risk of flooding on the proposed development and future occupants in accordance with paragraphs 103 and 118 of the National Planning Policy Framework through the implementation of adequate surface water drainage, to maximise ecological gains in accordance with the National Planning Policy Framework and to contribute towards water quality improvements as required by the Water Framework Directive.

- 22) There shall be no occupation of buildings serviced by foul water infrastructure until the mains foul water drainage infrastructure to serve that building is in place, on and off site as required.

REASON: To prevent flooding, pollution and related biodiversity or public amenity detriment through provision of suitable and timely water infrastructure in accordance with paragraphs 103, 109 and 156 in the National Planning Policy Framework.

Heritage and Archaeology

- 23) A scheme of works detailing how Saint Mary's Church will be repaired and renovated (including the provision of on-site heritage interpretation materials) sufficient to allow its continued use as a place of worship shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the phase of development within which the works are to be carried out. No more than 50% of the dwellings within that phase shall be occupied until the works have been fully completed as approved.

REASON: To conserve the historic environment having regard to Section 12 of the National Planning Policy Framework.

- 24) A maintenance plan for the Church shall be submitted to and approved by the Local Planning Authority before occupation of 50% of the dwellings in the phase of development in which the scheme of repair and renovation works are to be carried out as agreed by the Local Planning Authority through Condition 23. The Church shall be maintained in accordance with the agreed maintenance plan.

REASON: To conserve the historic environment having regard to Section 12 of the National Planning Policy Framework.

- 25) **Prior to the commencement of repair and renovation works to Saint Mary's Church, fencing will be erected, in a manner to be agreed with the Local Planning Authority, in the areas around Saint Mary's Church for archaeological preservation as set out in the approved Fleet Marston Archaeological Evaluation Phase 2: Metal Detecting and Test Pit Survey (2011) and Wayside Farm Archaeological Report (2011). Fencing shall be maintained in-situ until all equipment, machinery and surplus materials have been removed following completion of that phase of development in which the repair and renovation works are to be carried out.**

REASON: To preserve archaeological remains and to conserve the historic environment in accordance with the provisions of policy GP.59 of the Aylesbury Vale District Local Plan and having regard to Section 12 of the National Planning Policy Framework.

26) No ground disturbance or other development works shall take place within the areas of archaeological preservation of Saint Mary's Church without the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.

REASON: To preserve archaeological remains and to conserve the historic environment in accordance with the provisions of policy GP59 of the Aylesbury Vale District Local Plan and having regard to Section 12 of the National Planning Policy Framework.

Sustainability

27) Prior to the development of each phase details of the decentralised, renewable or low carbon energy sources designed to meet an overall target of 10% of the energy supply of the whole development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and subsequently retained as operational.

REASON: To ensure the development provides for sustainable design and construction.

28) The development will meet the BREEAM 'very good' environmental performance standard. Prior to the commencement of each phase of the development details of how the buildings will achieve the BREEAM target for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the BREEAM target to be achieved and certificates supplied to the Local Planning Authority upon issue.

REASON: To ensure the development provides for sustainable design and construction.

AVDC Alternative Condition 28 Wording

The development will meet the BREEAM 'very good' environmental performance standard and Code Level 3 of the Code for Sustainable Homes (CfHS). Prior to the commencement of each phase of the development details of how the buildings will achieve the BREEAM target and CfHS Code Level 3 (as appropriate) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the BREEAM target to be achieved and certificates supplied to the Local Planning Authority upon issue.

Local Retail and Commercial Centres and Employment Uses

29) The 'A Class' uses (A1, A2, A3, A4 and A5) hereby permitted shall not exceed a total of 3,050 m² (gross floorspace). The maximum size of a single A Use Class unit shall not exceed 1,000 m² (gross floorspace). The A Class uses permitted shall be developed in accordance with the phasing plan approved pursuant to Conditions 3, 4 and 5.

REASON: To ensure a satisfactory form of development and to comply with policy GP.94 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 30) The 'B Class' employment uses (B1 and B8) hereby permitted shall not exceed a total of 30,000 m² (gross floorspace). The B Class employment land permitted shall be developed in accordance with the phasing plan approved pursuant to Conditions 3, 4 and 5.

REASON: To ensure a satisfactory form of development and to comply with policy GP.94 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Community Facility

- 31) The multi-functional community facility (D1 Use Class) hereby permitted shall be up to 1,300 m² (gross floorspace). The community facility shall be developed in accordance with the phasing plan approved pursuant to Conditions 3, 4 and 5. Prior to the commencement of the phase of development in which the community facility is to be provided, details of the facility's design and use(s), any management body responsible for its future maintenance and management together with the associated management arrangements (including the costs of providing the Community Facility) shall be submitted to and approved in writing by the Local Planning Authority. The building shall thereafter be built in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to comply with policy GP.94 of the Aylesbury Vale District Local Plan and having regard to Section 8 of the National Planning Policy Framework.

Affordable Housing

- 32) For each phase of the development where residential dwellings are to be provided, the total affordable housing provision will be no more than 35% and no less than 17% of the total dwellings to be provided in that phase.

For each phase of the development where residential dwellings are to be provided, no more than 75% of the total market dwellings shall be occupied until the affordable housing to be provided in that phase of the development has been completed.

REASON: The application is for outline planning permission. To comply with policy GP.2 of the Aylesbury Vale District Local Plan and having regard to Section 6 of the National Planning Policy Framework.

- 33) Other than the first phase of development, the development of each phase containing residential dwellings shall not commence until a viability appraisal (using the Three Dragons Viability Toolkit model) establishing the proportion of affordable housing for that phase has been submitted to and approved by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved details.

REASON: The application is for outline planning permission. To comply with policy GP.2 of the Aylesbury Vale District Local Plan and having regard to Section 6 of the National Planning Policy Framework.

- 34) For each phase of the development where residential dwellings are to be provided, no dwellings shall be occupied until a shortlist of registered providers has been submitted to and approved by the Local Planning Authority and until the applicant has notified the Local Planning Authority that it has selected one

or more of the registered providers from the approved list to provide the affordable housing for the development. For the avoidance of doubt the approved list can contain registered providers other than those preferred by the Local Planning Authority. The affordable housing shall not be provided otherwise than in association with the registered provider(s) as approved.

REASON: The application is for outline planning permission. For the absence of doubt and having regard to Section 6 of the National Planning Policy Framework.

- 35) For each phase of the development where residential dwellings are to be provided, no dwellings shall be occupied until the eligibility criteria as part of the Choice Based Lettings scheme for tenants of the affordable rented housing and social rented housing has been submitted to and approved by the Local Planning Authority. The affordable rented housing and the social rented housing shall not be let to persons other than those who comply with the eligibility criteria as approved.

REASON: The application is for outline planning permission. For the absence of doubt and to comply with Section 6 of the National Planning Policy Framework.

Waste

- 36) **No development shall commence in a phase of the development until a Site Waste Management Plan as set out in the Environmental Statement dated July 2010 and the Addendum Environmental Statement dated January 2012 for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall include details of the waste storage and recycling facilities for that phase of the development including the responsible management body and maintenance arrangements. The development shall be carried out in accordance with the approved details and retained thereafter as such.**

REASON: **To ensure a satisfactory form of development and to comply with policy GP.94 of the Aylesbury Vale District Local Plan and having regard to the National Planning Policy Framework.**

Slab Levels

- 37) **Prior to the commencement of each phase of the development details of the finished floor levels for that phase of development shall be submitted and approved in writing by the Local Planning Authority and shall include full details of finished floor levels for each building and associated hard surfacing in relation to existing ground levels. The development shall thereafter be carried out in accordance with the approved level details.**

REASON: **For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy GP.35 of the Aylesbury Vale District Local Plan.**

Highways and Transport

- 38) **No development shall commence until detailed Travel Plans (relating to the residential and commercial elements of the permitted scheme) have**

been submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall be in accordance with the Travel Plans in the approved Transport Assessment dated July 2010 and Transport Assessment Addendum dated January 2012. The development shall be carried out in accordance with the approved plans.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development having regard to Section 4 of the National Planning Policy Framework.

- 39) No dwelling in any phase of the development shall be occupied until the access from the highway for that phase of the development has been constructed and completed in accordance with the details as shown in principle on drawings: Proposed Access Arrangements (B2-08047-053) and Proposed Access Arrangements (B2-08047-054).

REASON: For the avoidance of doubt and to ensure a satisfactory form of development having regard to Section 4 of the National Planning Policy Framework.

- 40) No development shall commence until a scheme of works proposed for the A41 highway works at the rail over bridge has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall be carried out prior to the first occupation of any dwelling on the site.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development having regard to Section 4 of the National Planning Policy Framework.

- 41) Prior to the occupation of 10% of the residential dwellings an A41 Primary Public Transport Route Highways Delivery Plan for the A41 Bicester Road Primary Public Route (PPTC) highway works shall be submitted to and approved in writing by the Local Planning Authority. The Delivery Plan shall include details of the timing of works associated with the improvements agreed to the A41 Bicester Road PPTC.

The Delivery Plan shall be prepared in accordance with the approach and methodology agreed with the Local Highway Authority. The methodology will establish the trigger points for the agreed PPTC highway improvements with reference to the overall network performance of the agreed 'do minimum scenario' in comparison with the addition of development related traffic modelled in the agreed 'do something' scenario and the effect on the agreed junctions.

The works shall be carried out in accordance with the approved Delivery Plan and as set out in the following plans: 11090076 HP0253/248 Rev B; 11090076 HP0253\249 Rev B; 11090076 HP0253\250 Rev C and 11090076 HP0253\251 Rev A; and 11090076 HP0253\252 as amended and /or augmented by Drawings CS050207/SK/002/Rev B, CS050207/T/003 and CS050207/T/004B; CS050207/T/014, T015, T016 Rev A and T/017 Rev B'.

AVDC Alternative Condition 41 Wording

'No development shall commence until a Highways Delivery Plan relating to all off-site highway works, to include all works comprising the A41 Primary Public Transport Corridor (PPTC) improvements, Waddesdon works, footway and cycleway works has been submitted to and approved in writing by the Local Planning Authority.

The development shall only be carried out in accordance with the approved Delivery Plan and as shown in principle on the following plans: 11090076 HP0253/248 Rev B; 11090076 HP0253\249 Rev B; 11090076 HP0253\250 Rev C and 11090076 HP0253\251 Rev A; and 11090076 HP0253\252 as amended and /or augmented by Drawings CS050207/SK/002/Rev B, CS050207/T/003 and CS050207/T/004B; CS050207/T/014, T015, T016 Rev A and T/017 Rev B

Parking Strategy

- 42) The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition 12 in relation to each phase of the development shall include a scheme of parking, garaging and manoeuvring having regard to the Local Planning Authority's published Supplementary Planning Guidance: Parking Guidelines or such other subsequent policy or guide which supersedes this document as adopted by the Local Planning Authority. The approved schemes shall be implemented and the parking, garaging and manoeuvring areas made available for use before the first occupation of the dwelling(s) to which the approved provision relates and those areas shall not be used for any other purpose.

REASON: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with policy GP.24 of the Aylesbury Vale District Local Plan and having regard to Section 4 of the National Planning Policy Framework.

High Speed Broadband

- 43) No development shall commence in any phase until details of the measures to secure the availability of high speed broadband connection to the occupants of the development of that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development having regard to Section 5 of the National Planning Policy Framework.

Marketing Strategy

- 44) Prior to the commencement of the phase(s) of development in which the retail (A Use Class), employment (B Use Class), Health Centre and Railway Station site are to be provided, details of the marketing strategies for those facilities shall be submitted to and approved in writing by the Local Planning Authority. The marketing strategies shall set out how the facilities are to be marketed, the period of marketing and the media through which the marketing will occur. The

marketing of the facilities shall be carried out in accordance with the approved strategies.

REASON: To ensure a satisfactory form of development and to comply with policy GP.94 of the Aylesbury Vale District Local Plan and having regard to Section 8 the National Planning Policy Framework.

AVDC Alternative Condition 43 Wording

Prior to the commencement of the phase(s) of development in which the retail (A Use Class), employment (B Use Class), Health Centre and Railway Station site are to be provided marketing strategies for those facilities shall be submitted to and approved in writing by the Local Planning Authority. The marketing strategies shall set out the following:

- *the method of marketing;*
- *the period of marketing, which shall be a minimum of 24 months;*
- *the media through which the marketing shall occur.*

The marketing of the facilities shall be carried out in accordance with the approved strategies.

**ANNEX D(ii):
RECOMMENDED PLANNING CONDITIONS (FLEET MARSTON)**

Relevant Plans

- 1) The development hereby permitted shall not be carried out otherwise than in accordance with the following plans:
 - Site Location Plan (BARY2000);
 - Movement Infrastructure Parameter Plan (BARY2000/PP_01);
 - Land Use Parameter Plan (BARY2000/PP_02);
 - Green Infrastructure Parameter Plan (BARY2000/PP_05);
 - Route Infrastructure Parameter Plan (BARY2000/PP_01);
 - Building Heights Parameter Plan (BARY2000/PP_03);
 - Building Density Parameter Plan (BARY2000/PP_04);
 - Proposed Access Arrangements (B2-08047-053);
 - Proposed Access Arrangements (B2-08047-054).
- 2) No more than 2,745 dwellings shall be constructed on the site pursuant to this planning permission.

Phasing

- 3) The development shall not be commenced until a phasing plan relating to the whole development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans identified in Condition 1 and the approved phasing plan.
- 4) The phasing plan shall include details of the location, amount and phasing of the delivery or provision of the following to include reference to relevant standards/parameters as identified in Conditions 13, 28, 29 and 30:
 - the access for the site;
 - the residential dwellings to include affordable housing;
 - the employment land;
 - the residential care home;
 - the Community Facility;
 - the Nature Interpretation facility;
 - the local retail and commercial centres (the A Use Class and B Use Class floorspace);
 - the green infrastructure (by type);
 - the Health Centre;
 - the railway station site;
 - the education provision; and
 - the waste and recycling facilities.

5) The Phasing Plan shall include details of the sequence in which the phases are to be developed individually or concurrently to each other and the related provision of: -

- the Community Facility;
- the Green Infrastructure by type, related facilities and buildings; and
- the local retail and commercial centres and serviced employment land.

The Phasing Plan shall also include identified triggers restricting the occupation of dwellings to the provision of the relevant infrastructure and facilities related to any specific phase or combination of phases.

6) There shall be no occupation of buildings permitted in each phase of the development until the following services and infrastructure are completed for those buildings as appropriate in accordance with the approved plans submitted on a phase by phase basis in accordance with the Phasing Plan approved pursuant to Conditions 3, 4 and 5 approved by the Local Planning Authority, including: -

- the vehicular, cycle and pedestrian access including internal estate roads and junctions;
- bus stops;
- foul water, sewerage and drainage infrastructure;
- flood risk mitigation;
- electricity, gas and telecommunication utility infrastructure; and
- household and commercial waste storage and recycling facilities.

Design Code

7) A Design Code for the development shall be submitted to the Local Planning Authority for its approval in writing prior to the submission of the first Reserved Matters application for the development. The Design Code shall demonstrate how the objectives of the Design and Access Statement (2010) and the Addendum Design and Access Statement (2012) will be met, and shall take account of the drawings referred to in Condition 1 above. The Design Code shall include the following:

- a) principles for determining the quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using recycled construction materials;
- b) principles of built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
- c) principles of hard and soft landscaping including the inclusion of important trees and hedgerows;
- d) principles for determining the design of structures (including street lighting, lighting and boundary treatments for commercial premises, street furniture and play equipment);

- e) principles for determining the design of the public realm, areas of public open space, areas for play (including local areas equipped for play (LEAPs), neighbourhood areas equipped for play (NEAPs) and multi use games areas (MUGAs)), the allotments and orchards;
- f) principles for determining the design and layout of sports and leisure provision;
- g) principles of conservation of flora and fauna interests and encouragement of biodiversity;
- h) principles of a hierarchy of streets and spaces;
- i) principles for the alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, bridleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
- j) principles for on-street and off-street residential and commercial vehicular parking and/or loading areas; and
- k) principles of cycle parking and storage.

The Development shall be carried out in accordance with the principles established in the approved Design Code.

Reserved Matters and Implementation

- 8) Approval of the details of the access, layout, scale, design and external appearance of each phase or development parcel within a phase and the landscaping associated with it (the 'reserved matters') shall be obtained in writing from the Local Planning Authority before that phase or development parcel within that phase is commenced. The development shall not be carried out otherwise than in accordance with the approved details.
- 9) Application for the approval of the first reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 10) The first phase of the development hereby permitted shall be begun within 5 years of the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of the development parcels within the first phase of the development to be commenced, whichever is the later.
- 11) Application for approval of the reserved matters in respect of the development parcels within each subsequent phase of the development hereby permitted shall be made to the local planning authority before the expiration of 15 years from the date of this permission.
- 12) Subsequent phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of the development parcels within that phase.
- 13) The details to be submitted in the reserved matters applications for each phase of the development shall be in accordance with the approved parameter plans set out in Condition 1 above, and shall include the following details as appropriate: -

- a) the layout, specification for (1) any internal roads and junctions, (2) footpaths, (3) parking, turning and loading/unloading areas (including visibility splays), (4) cycle parking areas, (5) cycle storage facilities, (6) access facilities for the disabled and (7) street lighting;
- b) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
- c) details of all hard landscaped areas, footpaths including details of finished ground levels, all surfacing materials, and street furniture, signs, lighting, refuse and recycling storage units;
- d) details for all of the green infrastructure, including contours together with planting plans and schedules of trees and plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained (including cultivation, public realm, allotments and orchards);
- e) details of play spaces including equipment, hard and soft landscaping treatments;
- f) details of the design and layout of sports pitches;
- g) details of compliance with the principles set out in the design code as approved pursuant to Condition 7;
- h) details of compliance with the Ecology Management Plan as approved pursuant to Condition 17; and
- i) location and mix of affordable housing.

The development shall not be carried out otherwise than in accordance with the approved details as agreed in writing by the Local Planning Authority.

- 14) The landscaping scheme approved under Condition 13(d) relating to any phase of the development shall be carried out not later than the first planting season following the first occupation of the last of the building(s) to be occupied or the completion of the development in that phase to which it relates, whichever is the sooner.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

- 15) The particulars submitted pursuant to Condition 13(d) above shall include details in accordance with BS5837: 2012 (Trees in Relation to Design, Construction or Demolition, 2012):
- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter (when measured over the bark at a point 1.5 metres above ground level) exceeding 75mm, identifying which trees are to be retained and the crown spread of each retained tree;

- b) details of the species, diameter (when measured in accordance with (a) above), approximate height and an assessment of the health and stability of each retained tree;
- c) details of any proposed topping or lopping of any retained tree;
- d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree; and
- e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

The approved details shall be carried out as agreed in writing by the Local Planning Authority.

In this condition '*retained tree*' means an existing tree that is to be retained in accordance with the plan referred to in (a) above. The protection measures referred to above shall be maintained throughout the whole period of site clearance, excavation and construction in relation to each phase of the development to which it relates.

Construction Management

- 16) Prior to the commencement of each phase of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase. Construction of each phase of the development shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Plan which shall include the following details:
- a) measures for traffic management, parking and turning for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) piling techniques if necessary;
 - d) storage of plant and materials;
 - e) provision of boundary hoarding and lighting;
 - f) protection of trees, hedgerows and other natural features;
 - g) proposed means of dust suppression and noise mitigation;
 - h) measures to prevent mud from vehicles leaving the site during construction; and
 - i) construction working and operational times;
 - j) details of the storage of spoil or other excavated or deposited material on the site, including the height of such storage above either natural ground level or the approved ground level.

Green Infrastructure Management and Maintenance Strategy

- 17) No development shall commence until a Green Infrastructure Management and Maintenance Strategy, relating to all elements of the Green Infrastructure and any associated buildings, has been submitted to and approved in writing by the Local Planning Authority. It shall include:-
- a) details of the responsible management body and management scheme for the Green Infrastructure (including the costs of providing and subsequently managing and maintaining the Green Infrastructure); and
 - b) details of the future management and maintenance of all elements of the Green Infrastructure within all phases (covering a period of up to 25 years or until completion of the development hereby permitted, whichever is the later) including maintenance schedules for all hard and soft landscape areas (other than privately owned domestic gardens), play spaces and any associated features and where applicable having regard to the Ecology Management Plan to be approved by the local planning authority pursuant to Condition 18 below;

The development shall thereafter be managed and maintained in accordance with the approved strategy.

Ecology

- 18) Prior to the commencement of each phase of the development an Ecology Management Plan setting out the ecological mitigation, enhancement and management measures required for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The Ecology Management Plan shall be based on the mitigation and enhancement measures contained within the Environmental Statement (2010) and the Addendum Environmental Statement (2012) and shall include a programme for implementation, management and maintenance for each phase of the development. The approved Ecology Management Plan for each phase of the development shall thereafter be carried out as approved.

Drainage and Flooding

- 19) The development hereby permitted shall not be carried out otherwise than in accordance with the Addendum Flood Risk Statement (2012) (within Appendix 4 of the Addendum Planning Statement).
- 20) No built development shall be constructed within the 1,000 year floodplain, in accordance with the principles of Section 2.3 of the Addendum Flood Risk Statement and as indicated on the Flood Zone 2 & 3 Extents plan (Drawing no. PSJFMA-0500-001 A) (Figures accompanying the Addendum Flood Risk Statement).
- 21) No construction of any internal development road within Flood Zone 2 or 3, as indicated on the Flood Zone 2 & 3 Extents plan (Drawing no. PSJFMA-0500-001 A) shall begin until the design and a scheme for floodplain compensation as required has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:
- a) detailed design of the proposed road where it crosses the floodplain; and
 - b) calculations demonstrating amount of floodplain lost.

The scheme shall be implemented as approved.

- 22) Prior to the commencement of each phase of the development a detailed surface water drainage scheme for that phase in accordance with the principles of Section 2.4 of the Addendum Flood Risk Statement (dated January 2012); Flood Risk Assessment (dated July 2009); and Drawing No. PSJFMA-0500-003 A (Proposed Surface Water Drainage Strategy) shall be submitted to and approved by the Local Planning Authority. Each surface water drainage scheme shall include:
- a) discharge of runoff to Greenfield rates in accordance with the principles identified on Drawing No. PSJFMA-0500-003 A (Proposed Surface Water Drainage Strategy);
 - b) infiltration tests carried out to BRE365 to identify soakage potential for that development phase. The drainage scheme shall favour infiltration where shown to be reasonable and practical by these tests;
 - c) implementation of sustainable drainage systems (SUDS) in accordance with the principles of the Flood Risk Assessment (dated July 2009); detailed plans of new swales, watercourses, soakaways and retention ponds being retained and/or provided;
 - d) details of existing culvert upgrading, improvement, clearance and maintenance where required and detailed design of any new proposed culverts.

The scheme shall be implemented as approved.

- 23) There shall be no occupation of buildings serviced by foul water infrastructure until the mains foul water drainage infrastructure to serve that building is in place, on and off site as required.

Heritage and Archaeology

- 24) Prior to the commencement of any repair and renovation works to Saint Mary's church, fencing shall be erected, in a manner to be agreed with the Local Planning Authority, in the areas around the church for archaeological preservation as set out in the approved Fleet Marston Archaeological Evaluation Phase 2: Metal Detecting and Test Pit Survey (2011) and Wayside Farm Archaeological Report (2011). Fencing shall be maintained in-situ until all equipment, machinery and surplus materials have been removed following completion of that phase of development in which the repair and renovation works are to be carried out.
- 25) No ground disturbance or other development works shall take place within the areas of archaeological preservation of Saint Mary's church without the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.

Sustainability

- 26) Prior to the development of each phase, details of the decentralised, renewable or low carbon energy sources designed to meet an overall target of 10% of the energy supply of the whole development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and subsequently retained as operational.

- 27) The development shall, as a minimum, meet the Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' environmental performance standard for non-residential buildings and Level 3 of the Code for Sustainable Homes for residential buildings. Prior to the commencement of each phase of the development details of how the buildings will achieve the relevant standard or code for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and no building shall be occupied until a final certificate has been issued, and submitted to the Local Planning Authority, certifying that the relevant standard or code has been achieved.

Local Retail and Commercial Centres and Employment Uses

- 28) The 'A Class' uses (A1, A2, A3, A4 and A5) hereby permitted shall not exceed a total of 3,050 m² (gross floorspace). The maximum size of a single A Use Class unit shall not exceed 1,000 m² (gross floorspace). The A Class uses permitted shall be developed in accordance with the phasing plan approved pursuant to Conditions 3, 4 and 5.
- 29) The 'B Class' employment uses (B1 and B8) hereby permitted shall not exceed a total of 30,000 m² (gross floorspace). The B Class employment land permitted shall be developed in accordance with the phasing plan approved pursuant to Conditions 3, 4 and 5.

Community Facility

- 30) The multi-functional community facility (Use Class D1) hereby permitted shall not exceed 1,300 m² (gross floorspace). The community facility shall be developed in accordance with the phasing plan approved pursuant to Conditions 3, 4 and 5. Prior to the commencement of the phase of development in which the community facility is to be provided, detailed plans and specifications of the facility (including the costs of providing the community facility), use(s) within it, and the timing of its availability for use, shall be submitted to and approved in writing by the Local Planning Authority. The facility shall thereafter be provided in accordance with the approved details.
- 31) Prior to the commencement of the phase of development in which the community facility is to be provided a scheme for the management and maintenance of the facility shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the arrangements for management and maintenance (including the associated costs) following practical completion of the facility; a mechanism for the approval by the Local Planning Authority of any subsequent management and maintenance arrangements; and the management and maintenance of the facility thereafter in accordance with the approved scheme.

Affordable Housing

- 32) For each phase of the development where residential dwellings are to be provided, the total affordable housing provision shall be no more than 35% and no less than 17% of the total dwellings to be provided in that phase.

For each phase of the development where residential dwellings are to be provided, no more than 75% of the total market dwellings shall be occupied until the affordable housing provision in that phase has been completed and is ready for occupation as fully serviced and constructed affordable dwellings.

- 33) Other than the first phase of development, the development of each subsequent phase containing residential dwellings shall not commence until a Phase Affordable Housing Scheme has been submitted to and approved in writing by the Local Planning Authority. The Phase Affordable Housing Scheme shall include a phase viability appraisal (using the Three Dragons Viability Toolkit model) for the phase in question and a viability re-assessment of the preceding phase to determine whether any additional affordable housing provision is to be made within the phase under consideration.
- 34) For each phase of the development where residential dwellings are to be provided, no dwellings shall be occupied until a shortlist of registered providers has been submitted to and approved by the Local Planning Authority and until the Local Planning Authority has received notification of the selected registered provider(s) (from the approved list) to provide the affordable housing for that phase of the development. For the avoidance of doubt the approved list may contain registered providers other than those preferred by the Local Planning Authority. The affordable housing shall not be provided otherwise than in association with the registered provider(s) as approved.
- 35) For each phase of the development where residential dwellings are to be provided, no dwellings shall be occupied until the eligibility criteria as part of the Choice Based Lettings scheme for tenants of the affordable rented housing and social rented housing has been submitted to and approved in writing by the Local Planning Authority. The affordable rented housing and the social rented housing shall not be let to persons other than those who comply with the eligibility criteria as approved.

Waste

- 36) No development shall commence in a phase of the development until a Site Waste Management Plan as set out in the Environmental Statement dated July 2010 and the Addendum Environmental Statement dated January 2012 for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall include details of the waste storage and recycling facilities for that phase of the development including the responsible management body and maintenance arrangements. The development shall be carried out in accordance with the approved details and retained thereafter as such.

Slab Levels

- 37) Prior to the commencement of each phase of the development details of the finished floor levels for that phase of development shall be submitted and approved in writing by the Local Planning Authority and shall include full details of finished floor levels for each building and associated hard surfacing in relation to existing ground levels. The development shall thereafter be carried out in accordance with the approved level details.

Highways and Transport

- 38) No development shall commence until detailed Travel Plans (relating to the residential and commercial elements of the permitted scheme) have been submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall be in accordance with the Travel Plans in the approved Transport Assessment dated July 2010 and Transport Assessment Addendum dated January 2012. The development shall be carried out in accordance with the approved plans.

- 39) No dwelling in any phase of the development shall be occupied until the access from the highway for that phase of the development has been constructed and completed in accordance with the details as shown in principle on drawings: Proposed Access Arrangements (B2-08047-053) and Proposed Access Arrangements (B2-08047-054).
- 40) No development shall commence until a scheme of highway works for the A41 at the rail over bridge has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall be carried out prior to the first occupation of any dwelling on the site.

Parking Strategy

- 41) The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition 13 in relation to each phase of the development shall include a scheme of parking, garaging and manoeuvring. The approved schemes shall be implemented and the parking, garaging and manoeuvring areas made available for use before the first occupation of the dwelling(s) to which the approved provision relates and those areas shall not be used for any other purpose.

High Speed Broadband

- 42) No development shall commence in any phase until details of the measures to secure the availability of high speed broadband connection to the occupants of the development of that phase, and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Marketing Strategy

- 43) Prior to the commencement of the phase(s) of development in which the retail (A Use Class), employment (B Use Class), Health Centre and Railway Station site are to be provided, details of the marketing strategies for those facilities shall be submitted to and approved in writing by the Local Planning Authority. The marketing strategies shall set out the method of marketing; the period of marketing; and the media through which the marketing will occur. The marketing of the facilities shall be carried out in accordance with the approved strategies.

ANNEX E(i):

AGREED DRAFT PLANNING CONDITIONS (HAMPDEN FIELDS)

Reserved Matters and Implementation

- 1) Approval of the details of the access, layout, scale, design and external appearance of each development parcel within each phase of the development (as identified on the relevant phase implementation plan and associated phase implementation programme to be approved through the s106 agreement) hereby permitted and the landscaping associated with it ('the reserved matters') shall be obtained in writing from the local planning authority before that development parcel is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: To comply with Article 5 of the Town and Country Planning (Development Management Procedure Order 2010).

- 2) Application for approval of the reserved matters for any development parcel within Phase 1 of the development hereby permitted shall be made to the local planning authority before the expiration of 2 years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 3) Phase 1 of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of the development parcels within that phase, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 4) Application for approval of the reserved matters in respect of the development parcels within each subsequent phase of the development hereby permitted shall be made to the local planning authority before the expiration of 20 years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 5) Subsequent phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of the development parcels within that phase, whichever is the later.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 6) Plans and particulars submitted for each development parcel pursuant to Condition 1 above shall include the following details:
 - a) the layout, specification and construction programme for (1) any internal access roads including details of horizontal and vertical alignment, (2) footpaths, (3) parking, turning and loading/unloading areas (including

visibility splays), (4) cycle parking areas, (5) cycle storage facilities and (6) access facilities for the disabled (7) individual accesses;

- b) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
- c) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon;
- d) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
- e) details of compliance with the principles set out in the design code as approved pursuant to Condition 10;
- f) lighting to roads, footpaths and other public areas;
- g) details of compliance (where applicable) with the Ecological Mitigation and Management Plan (EMMP) to be approved by the local planning authority pursuant to Condition 17 below.

REASON: To accord with the principles of Section 7 of the National Planning Policy Framework and Policies GP.35 and GP.38 of the Aylesbury Vale District Local Plan.

- 7) Approval of the details of each infrastructure phase within each phase of the development (as identified on the relevant phase implementation plan and associated phase implementation programme to be approved through the s106 agreement) hereby permitted shall be obtained in writing from the local planning authority before that infrastructure phase is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: To comply with Article 5 of the Town and Country Planning (Development Management Procedure Order 2010).

- 8) Plans and particulars submitted for each infrastructure phase pursuant to Condition 7 above shall include the following details:
 - a) the layout and specification for the spine roads including details of horizontal and vertical alignment, junctions (including visibility splays), footpaths and associated drainage;
 - b) details of finished ground levels, all surfacing materials, and street furniture, signs, lighting and other minor structures to be installed thereon;
 - c) details of any landscaping areas within each infrastructure phase including planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
 - d) details of compliance (where applicable) with the principles set out in the design code as approved pursuant to Condition 12.

Relevant Plans

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:
- a) Revised Site Boundary Plan (drawing ref 500-001 Rev D)
 - b) Revised Land Use Parameters Plan (Figure 4.1 Rev K)
 - c) Revised Residential Density Parameters Plan (Figure 4.2 Rev K)
 - d) Revised Minimum Building Heights Parameters Plan (Figure 4.3 Rev K)
 - e) Revised Maximum Building Heights Parameters Plan (Figure 4.4 Rev K)
 - f) Revised Access and Circulation Parameters Plan (Figure 4.5 Rev L)

In addition, the reserved matters application for this development shall broadly accord with the design principles set out in Section 4 of the Revised Design and Access Statement (RPS, November 2012).

REASON: For the avoidance of doubt and in the interests of proper planning.

Design Codes

- 10) Prior to the submission of the first reserved matters application, a plan showing the extent of the four detailed Design Code Areas (comprising the Eastern Neighbourhood, the Western Neighbourhood, the Local Centre and the Employment Area) shall be submitted and approved in writing by the Local Planning Authority. No reserved matters application in respect of any development parcel within each detailed Design Code Area shall be submitted until a detailed Design Code for that Area has been submitted to and approved in writing by the Local Planning Authority. The detailed Design Code shall demonstrate how the objectives of the Design and Access Statement will be met, and shall take account of the drawings referred to in Condition 9 above. The development hereby permitted shall be carried out in accordance with the approved Design Codes. The Design Codes shall where appropriate include the following:
- a) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using locally sourced and recycled construction materials;
 - b) accessibility to buildings and public spaces for the disabled and physically impaired;
 - c) sustainable design and construction, in order to achieve a minimum Code for Sustainable Homes Level 4 (or other such equivalent sustainability standard as may be agreed in writing by the local planning authority) for residential buildings and a 'very good' Building Research Establishment Environmental Assessment Method (BREEAM) rating for non residential buildings, maximising passive solar gains, natural ventilation, water efficiency measures and the potential for home composting and food production;

- d) measures which show how energy efficiency is being addressed to reflect policy and climate change, and show the on-site measures to be taken to produce at least 10% of the total energy requirements of the development hereby permitted by means of renewable energy sources;
- e) built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
- f) principles for hard and soft landscaping including the inclusion of important trees and hedgerows;
- g) structures (including street lighting, floodlighting and boundary treatments for commercial premises, street furniture and play equipment);
- h) design of the public realm, areas of public open space, areas for play, the allotments and orchards;
- i) open space needs including sustainable urban drainage;
- j) conservation of flora and fauna interests;
- k) a strategy for a hierarchy of streets and spaces;
- l) alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, bridleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
- m) on-street and off-street residential and commercial vehicular parking and/or loading areas;
- n) cycle parking and storage;
- o) means to discourage casual parking and to encourage parking only in designated spaces;
- p) integration of strategic utility requirements, landscaping and highway design.

REASON: To accord with the principles of Section 7 of the NPPF and Policies GP.35 and GP.38 of the Aylesbury Vale District Local Plan.

- 11) No more than 3,000 dwellings shall be constructed on the site pursuant to this planning permission.

REASON: For the avoidance of doubt and in the interests of proper planning.

Construction Management

- 12) Before each phase of the development hereby permitted is commenced a Construction Management Plan in respect of that phase shall be submitted to and approved in writing by the local planning authority. Construction of each phase of the development shall not be carried out otherwise than in accordance with each approved construction management plan. Each Construction Management Plan shall include the following matters:
- a) parking and turning for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials
 - c) piling techniques if necessary;
 - d) storage of plant and materials;

- e) programme of works (including measures for traffic management and operating hours);
- f) provision of boundary hoarding and lighting;
- g) protection of important trees, hedgerows and other natural features;
- h) details of construction vehicle routing;
- i) details of proposed means of dust suppression and noise mitigation;
- j) details of measures to prevent mud from vehicles leaving the site during construction.

REASON: In the interests of highway safety and to protect the amenities of the occupiers of nearby properties during the construction period.

- 13) No works external to a building in respect of the construction of the development hereby permitted shall be undertaken at the following times:
- 1) Outside the hours of 0700 - 1900 on Mondays to Fridays (inclusive);
 - 2) Outside the hours of 0800 - 1300 on Saturdays;
 - 3) On Sundays and on public holidays

REASON: To protect the amenities of the occupiers of nearby properties during the construction period.

Landscape Scheme

- 14) Approval of the details of each landscape phase within each phase of the development (as identified on the relevant phase implementation plan and associated phase implementation programme to be approved through the s106 agreement) ("the landscape scheme") hereby permitted shall be obtained in writing from the local planning authority before that landscape phase is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: To comply with Article 5 of the Town and Country Planning (Development Management Procedure Order 2010).

- 15) The landscape scheme submitted for each landscape phase pursuant to Condition 14 above shall include the following details:
- a) details of each landscape phase including planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
 - b) details of finished ground levels, all surfacing materials, and street furniture, signs, lighting and other minor structures to be installed thereon;
 - c) details of any SuDS measures and associated structures within that landscape phase;
 - d) details of compliance (where applicable) with the principles set out in the design code as approved pursuant to Condition 12;

- e) details of compliance (where applicable) with the Ecological Mitigation and Management Plan (EMMP) to be approved by the local planning authority pursuant to Condition 17 below.
- f) details of the future management and maintenance of the landscape phase (covering a period of up to 25 years or until completion of the development hereby permitted, whichever is the later) including maintenance schedules for all hard and soft landscape areas (other than privately owned domestic gardens), play spaces and any associated features and where applicable having regard to the Ecological Mitigation and Management Plan (EMMP) to be approved by the local planning authority pursuant to Condition 17 below.

REASON: In accordance with Policy GP.38 of the Aylesbury Vale District Local Plan.

Tree Protection

- 16) The plans and particulars submitted in accordance with the Conditions 6 (d), 8 (c) and 12(g) above shall include:
- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
 - f) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

REASON: To ensure that full consideration is given to all tree issues as an integral part of the planning application for the benefit of local amenity and the enhancement of the development itself, in accordance with Policies GP.39 and GP.40 of the Aylesbury Vale District Local Plan.

Ecology

- 17) Before any part of the development hereby permitted is commenced an Ecological Mitigation and Management Plan (EMMP) to secure the completion of the ecological mitigation, enhancement and management measures required (in accordance with the Revised Ecological Mitigation and Management Strategy

(EMMS) dated April 2013 (Issue Number – P12/04-5C) shall have been submitted to and approved in writing by the local planning authority. The EMMP will include, as appropriate:

- A plan of the development phasing and ecological mitigation, compensation and enhancement measures to be delivered with each phase;
- A plan specifying exactly where trees within retained hedgerows will be left to grow to maturity, including relevant grid references, species information and details regarding appropriate management;
- A plan showing the areas proposed for wildflower meadow creation;
- A plan showing the location, and detailing the specification, of wildlife boxes to be incorporated into houses or distributed within the each phase;
- A scheme for the management and maintenance of the ecological mitigation and management measures.

Construction of each part of the development shall not be carried out otherwise than in accordance with the approved EMMP.

REASON: To accord with the provisions of Section 11 of the National Planning Policy Framework.

Drainage and Flooding

- 18) The development hereby permitted shall not be carried out otherwise than in accordance with the NPPF Flood Risk Assessment - Revision 3 dated November 2012.

REASON: To prevent the increased risk of flooding to the site in accordance with Section 10 of the National Planning Policy Framework.

- 19) Before the development hereby permitted is commenced a detailed drainage strategy, including a scheme to dispose of foul and surface water and details of any on or off site drainage works, shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the strategy shall be based upon the principle of sustainable drainage systems ("SuDS") as set out in the NPPF Flood Risk Assessment - Revision 3 dated November 2012. The development hereby permitted shall be carried out in accordance with the approved drainage strategy and shall include proposals for the subsequent management and maintenance of the drainage system for the lifetime of the development including any arrangements for adoption by any public authority or statutory undertaker.

No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: The development may lead to sewage flooding and to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community, in accordance with Section 10 of the National Planning Policy Framework.

Archaeology

- 20) No development shall take place in the archaeological preservation area (Area 5 shown in Figure 1 of the submitted Archaeological Evaluation Report dated November 2012) until a method statement for preservation in-situ and public interpretation has been submitted by the applicant and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved method statement.

No development shall take place until fencing has been erected, in a manner to be agreed with the Local Planning Authority, around the archaeological preservation area (Area 5 shown in Figure 1 of the submitted Archaeological Evaluation Report dated November 2012). Fencing shall be maintained in-situ until all equipment, machinery and surplus materials have been removed from the site. No ground disturbance or other works shall take place within the areas of archaeological preservation without the written consent of the local planning authority and then shall only be undertaken in accordance with an approved method statement. The approved method statement shall demonstrate how the formation and maintenance of the school playing field will utilise a zero-ground disturbance methodology.

REASON: To preserve archaeological remains and to conserve the historic environment in accordance with the provisions of Policy GP.59 of the Aylesbury Vale District Local Plan and Section 12 of the National Planning Policy Framework.

- 21) Prior to the commencement of development in each area of archaeological interest (Areas 1, 2, 6, 7 and adjacent areas of archaeological interest shown in Figure 1 of the submitted Archaeological Evaluation Report dated November 2012) a programme of archaeological work should be secured and implemented for that area in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter the archaeological work should be undertaken in accordance with the approved scheme.

REASON: To preserve archaeological remains and to conserve the historic environment in accordance with the provisions of Policy GP.59 of the Aylesbury Vale District Local Plan and Section 12 of the National Planning Policy Framework.

Sustainability

- 22) At least 10% of the energy supply of the development shall be secured from decentralised, renewable or low carbon energy sources. A strategy ("the Phase Sustainability Strategy") demonstrating how this is to be achieved across each phase shall be submitted to the local planning authority prior to submission of the first reserved matters application for a development parcel within that phase. The reserved matters application for each development parcel submitted pursuant to Condition 1 above shall be in accordance with the relevant approved Phase Sustainability Strategy and shall include details of physical works within that development parcel and a timetable for their provision. The approved details shall be implemented in accordance with the approved timetable and subsequently retained as operational.

REASON: In accordance with the provisions of Section 10 of the National Planning Policy Framework.

Commercial Uses

- 23) The 'A Class' uses (A1, A2, A3, A4 and A5) hereby permitted shall not exceed 4,000 m² (gross internal floorspace). The individual units shall not exceed a maximum of 1,200 m² (gross internal floorspace).

REASON: For the avoidance of doubt and in the interests of proper planning.

Waste

- 24) No development shall take place on a development parcel until a detailed waste audit scheme for that development parcel, including details of refuse storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. The development of each development parcel shall be carried out in accordance with the approved details and retained in a condition commensurate with its intended purpose for the lifetime of the development.

REASON: To accord with the principles of Section 7 of the National Planning Policy Framework and Policies GP.35 and GP.38 of the Aylesbury Vale District Local Plan.

Levels

- 25) Prior to the commencement of development in each development parcel, details of the finished floor levels of the buildings within that development parcel shall be submitted concurrently with the reserved matters applications and approved in writing by the local planning authority and shall include full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

REASON: To accord with the principles of Section 7 of the National Planning Policy Framework and Policies GP.35 and GP.38 of the Aylesbury Vale District Local Plan.

Highways, Transport and Parking

- 26) The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be first approved in writing by the County Council as Highway Authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

- 27) The details to be submitted to accord with conditions 1 and 8 above shall provide full information on the means of dealing with the disposal of surface water from the roads and footways.

REASON: To minimise danger and inconvenience to highway users and to comply with the National Planning Policy Framework.

- 28) The employment and commercial development on the site shall be served by appropriate access roads with turning areas in accordance with details to be first approved in writing by the Local Planning Authority in consultation with the

County Council as Highway Authority and no part of the employment or commercial development shall be occupied until the associated access way has been laid out in accordance with the details subsequently approved pursuant to conditions 3 and 8.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

- 29) Within one month of any new access being brought into use which makes existing field access not part of the development redundant, the existing field access points not incorporated in the development hereby permitted shall be stopped up in accordance with the details subsequently approved pursuant to condition 1. For the avoidance of doubt the applicants will be required to enter into an Agreement with the Highway Authority in order to comply with the requirements of this condition.

REASON: To limit the number of access points along the site boundary for the safety and convenience of the highway user and to comply with the National Planning Policy Framework.

- 30) The details to be submitted for approval in writing of the Local Planning Authority in accordance with Condition 8 in relation to each phase and sub-phase of the development shall include a scheme of parking, garaging and manoeuvring in accordance with the Local Planning Authority's published Supplementary Planning Guidance Parking Guidelines (April 2002) or such other subsequent policy or guide which supersedes this document as adopted by the Local Planning Authority. The approved schemes shall be implemented and the parking, garaging and manoeuvring areas made available for use before the first occupation of the dwelling or dwellings to which the approved provision relates and those areas shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with policy GP.24 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

High Speed Broadband

- 31) Prior to the commencement of development in each development parcel, details of the measures to secure the availability of high speed broadband connection to each dwelling within that development parcel shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In accordance with the provisions of Section 5 of the National Planning Policy Framework.

Additional Conditions (if considered necessary by the Inspector and the Secretary of State)

The following conditions are only to be applied if the Inspector and Secretary of State deem them necessary in order to make the development acceptable:

- A1) Notwithstanding the contents of the planning application and the supporting documents, no built development should take place on parcel A shown in

Inspector's Report

APP/J0405/A/12/2181033; APP/J0405/A/12/2189277; APP/J0405/A/12/2189387; & APP/J0405/A/12/2197073

Development Parcels A & B plan (Drawing No. 108 dated 19 June 2013) and the Reserved Matters submitted in accordance with Condition 1 should include details of the landscape treatment of this parcel. The approved landscaping scheme should be implemented simultaneously with the landscaping scheme approved on the adjacent development parcel (parcel B).

REASON: To ensure that the development is acceptable in planning terms.

- A2) Notwithstanding the contents of the planning application including the Parameters Plan: Maximum Building Heights (Drawing No. Figure 4.4 Rev K), no built development should exceed the building heights of 8.5m and 9.5m in Area A and 6m (sports pavilion) and 8.5m (residential) in Area B shown in Drawing No. 500-114 dated 5 November 2013.

REASON: To ensure that the development is acceptable in planning terms.

ANNEX E(ii):

RECOMMENDED PLANNING CONDITIONS (HAMPDEN FIELDS)

Reserved Matters and Implementation

- 1) Approval of the details of the access, layout, scale, design and external appearance of each development parcel within each phase of the development (as identified on the relevant phase implementation plan and associated phase implementation programme to be approved through the s106 agreement) hereby permitted and the landscaping associated with it ('the reserved matters') shall be obtained in writing from the local planning authority before that development parcel is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.
- 2) Application for approval of the reserved matters for any development parcel within Phase 1 of the development hereby permitted shall be made to the local planning authority before the expiration of 2 years from the date of this permission.
- 3) Phase 1 of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of the development parcels within that phase, whichever is the later.
- 4) Application for approval of the reserved matters in respect of the development parcels within each subsequent phase of the development hereby permitted shall be made to the local planning authority before the expiration of 20 years from the date of this permission.
- 5) Subsequent phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of the development parcels within that phase, whichever is the later.
- 6) Plans and particulars submitted for each development parcel pursuant to Condition 1 above shall include the following details:
 - a) the layout, specification and construction programme for: -
 - (1) any internal access roads including details of horizontal and vertical alignment;
 - (2) footpaths;
 - (3) parking, turning and loading/unloading areas (including visibility splays);
 - (4) cycle parking areas;
 - (5) cycle storage facilities;
 - (6) access facilities for the disabled; and
 - (7) individual accesses;
 - b) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;

- c) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon;
 - d) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
 - e) details of compliance with the principles set out in the Design Code as approved pursuant to Condition 12;
 - f) lighting to roads, footpaths and other public areas; and
 - g) details of compliance (where applicable) with the Ecological Mitigation and Management Plan to be approved by the local planning authority pursuant to Condition 19 below.
- 7) Approval of the details of each infrastructure phase within each phase of the development (as identified on the relevant phase implementation plan and associated phase implementation programme to be approved through the s106 agreement) hereby permitted shall be obtained in writing from the local planning authority before that infrastructure phase is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.
- 8) Plans and particulars submitted for each infrastructure phase pursuant to Condition 7 above shall include the following details:
- a) the layout and specification for the spine roads including details of horizontal and vertical alignment, junctions (including visibility splays), footpaths and associated drainage;
 - b) details of finished ground levels, all surfacing materials, and street furniture, signs, lighting and other minor structures to be installed thereon;
 - c) details of any landscaping areas within each infrastructure phase including planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment); and
 - d) details of compliance (where applicable) with the principles set out in the Design Code as approved pursuant to Condition 12.

Relevant Plans

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans subject to the qualifications provided in Conditions 10 and 11 below: -
- a) Revised Site Boundary Plan (drawing ref 500_001 Rev D)
 - b) Revised Land Use Parameters Plan (Figure 4.1 Rev K)
 - c) Revised Residential Density Parameters Plan (Figure 4.2 Rev K)

- d) Revised Minimum Building Heights Parameters Plan (Figure 4.3 Rev K)
- e) Revised Maximum Building Heights Parameters Plan (Figure 4.4 Rev K)
- f) Revised Access and Circulation Parameters Plan (Figure 4.5 Rev L)

In addition, the reserved matters application for this development shall broadly accord with the design principles set out in Section 4 of the Revised Design and Access Statement (RPS, November 2012).

- 10) Notwithstanding the contents of the planning application and the supporting documents, no built development shall take place on Parcel A shown in Development Parcels A & B plan (Drawing No. 108 dated 19 June 2013) and the Reserved Matters to be submitted in accordance with Condition 1 shall include details of the landscape treatment of this parcel. The approved landscaping scheme shall be implemented simultaneously with the landscaping scheme approved on the adjacent development parcel (Parcel B).
- 11) Notwithstanding the contents of the planning application including the Parameters Plan: Maximum Building Heights (Drawing No. Figure 4.4 Rev K), the maximum heights of the buildings in Area B (shown in Drawing No. 500-114 dated 5 November 2013) shall exceed 6.0 metres (sports pavilion) and 8.5 metres (residential).

Design Codes

- 12) Prior to the submission of the first reserved matters application, a plan showing the extent of the four detailed Design Code Areas (comprising the Eastern Neighbourhood, the Western Neighbourhood, the Local Centre and the Employment Area) shall be submitted and approved in writing by the Local Planning Authority. No reserved matters application in respect of any development parcel within each detailed Design Code Area shall be submitted until a detailed Design Code for that Area has been submitted to and approved in writing by the Local Planning Authority. The detailed Design Code shall demonstrate how the objectives of the Design and Access Statement will be met, and shall take account of the drawings referred to in Condition 9 above. The development hereby permitted shall be carried out in accordance with the approved Design Codes. The Design Codes shall where appropriate include the following:
 - a) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using locally sourced and recycled construction materials;
 - b) accessibility to buildings and public spaces for the disabled and physically impaired;
 - c) sustainable design and construction, in order to achieve a minimum Code for Sustainable Homes Level 4 (or other such equivalent sustainability standard as may be agreed in writing by the local planning authority) for residential buildings and a 'very good' Building Research Establishment Environmental Assessment Method (BREEAM) rating for non residential buildings, maximising passive solar gains, natural ventilation, water efficiency measures and the potential for home composting and food production;

- d) measures which show how energy efficiency is being addressed to reflect policy and climate change, and show the on-site measures to be taken to produce at least 10% of the total energy requirements of the development hereby permitted by means of renewable energy sources;
 - e) built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
 - f) principles for hard and soft landscaping including the inclusion of important trees and hedgerows;
 - g) structures (including street lighting, floodlighting and boundary treatments for commercial premises, street furniture and play equipment);
 - h) design of the public realm, areas of public open space, areas for play, the allotments and orchards;
 - i) open space needs including sustainable urban drainage;
 - j) conservation of flora and fauna interests;
 - k) a strategy for a hierarchy of streets and spaces;
 - l) alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, bridleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
 - m) on-street and off-street residential and commercial vehicular parking and/or loading areas;
 - n) cycle parking and storage;
 - o) means to discourage casual parking and to encourage parking only in designated spaces; and
 - p) integration of strategic utility requirements, landscaping and highway design.
- 13) No more than 3,000 dwellings shall be constructed on the site pursuant to this planning permission.

Construction Management

- 14) Before each phase of the development hereby permitted is commenced a Construction Management Plan in respect of that phase shall be submitted to and approved in writing by the local planning authority. Construction of each phase of the development shall not be carried out otherwise than in accordance with each approved Construction Management Plan which shall include the following matters:
- a) parking and turning for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials
 - c) piling techniques if necessary;
 - d) storage of plant and materials;
 - e) programme of works (including measures for traffic management and operating hours);
 - f) provision of boundary hoarding and lighting;

- g) protection of important trees, hedgerows and other natural features;
 - h) details of construction vehicle routing;
 - i) details of proposed means of dust suppression and noise mitigation; and
 - j) details of measures to prevent mud from vehicles leaving the site during construction.
- 15) No works external to a building in respect of the construction of the development hereby permitted shall be undertaken at the following times: -
- 1) outside the hours of 0700 - 1900 on Mondays to Fridays (inclusive);
 - 2) outside the hours of 0800 - 1300 on Saturdays; and
 - 3) on Sundays and on public holidays.

Landscape Scheme

- 16) Approval of the details of each landscape phase within each phase of the development (as identified on the relevant phase implementation plan and associated phase implementation programme to be approved through the s106 agreement) ('the landscape scheme') hereby permitted shall be obtained in writing from the local planning authority before that landscape phase is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.
- 17) The landscape scheme submitted for each landscape phase pursuant to Condition 16 above shall include the following details:
- a) details of each landscape phase including planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
 - b) details of finished ground levels, all surfacing materials, and street furniture, signs, lighting and other minor structures to be installed thereon;
 - c) details of any Sustainable Drainage Systems (SuDS) measures and associated structures within that landscape phase;
 - d) details of compliance (where applicable) with the principles set out in the Design Code as approved pursuant to Condition 12;
 - e) details of compliance (where applicable) with the Ecological Mitigation and Management Plan to be approved by the local planning authority pursuant to Condition 19 below;
 - f) details of the future management and maintenance of the landscape phase (covering a period of up to 25 years or until completion of the development hereby permitted, whichever is the later) including maintenance schedules for all hard and soft landscape areas (other than privately owned domestic gardens), play spaces and any associated features and where applicable having regard to the Ecological Mitigation and Management Plan to be approved by the local planning authority pursuant to Condition 19 below.

Tree Protection

- 18) The plans and particulars submitted in accordance with the Conditions 6(d), 8(c) and 14(g) above shall include: -
- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site; and
 - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Ecology

- 19) Before any part of the development hereby permitted is commenced an Ecological Mitigation and Management Plan to secure the completion of the ecological mitigation, enhancement and management measures required (in accordance with the Revised Ecological Mitigation and Management Strategy dated April 2013 (Issue Number – P12/04-5C) shall have been submitted to and approved in writing by the local planning authority. The Ecological Mitigation and Management Plan shall include, as appropriate: -
- a plan of the development phasing and ecological mitigation, compensation and enhancement measures to be delivered with each phase;
 - a plan specifying exactly where trees within retained hedgerows will be left to grow to maturity, including relevant grid references, species information and details regarding appropriate management;
 - a plan showing the areas proposed for wildflower meadow creation;
 - a plan showing the location, and detailing the specification, of wildlife boxes to be incorporated into houses or distributed within each phase; and
 - a scheme for the management and maintenance of the ecological mitigation and management measures.

Construction of each part of the development shall not be carried out otherwise than in accordance with the approved Ecological Mitigation and Management Plan.

Drainage and Flooding

- 20) The development hereby permitted shall not be carried out otherwise than in accordance with the NPPF Flood Risk Assessment - Revision 3 dated November 2012.
- 21) Before the development hereby permitted is commenced a detailed drainage strategy, including a scheme to dispose of foul and surface water and details of any on or off site drainage works, shall be submitted to and approved in writing by the local planning authority. For the purposes of this condition the strategy shall be based on the principle of sustainable drainage systems (SuDS) as set out in the NPPF Flood Risk Assessment - Revision 3 dated November 2012. The development hereby permitted shall be carried out in accordance with the approved drainage strategy which shall include proposals for the subsequent management and maintenance of the drainage system for the lifetime of the development including any arrangements for adoption by any public authority or statutory undertaker.

No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Archaeology

- 22) No development shall take place in the archaeological preservation area (Area 5 shown in Figure 1 of the submitted Archaeological Evaluation Report dated November 2012) until a method statement for preservation in-situ and public interpretation has been submitted and approved by the local planning authority. The development shall be implemented in accordance with the approved method statement.

No development shall take place until fencing has been erected, in a manner to be agreed with the Local Planning Authority, around the archaeological preservation area. Fencing shall be maintained in-situ until all equipment, machinery and surplus materials have been removed from the site. No ground disturbance or other works shall take place within the areas of archaeological preservation without the written consent of the local planning authority and then shall only be undertaken in accordance with an approved method statement. The approved method statement shall demonstrate how the formation and maintenance of the school playing field will utilise a zero-ground disturbance methodology.

- 23) Prior to the commencement of development in each area of archaeological interest (Areas 1, 2, 6, 7 and adjacent areas of archaeological interest shown in Figure 1 of the submitted Archaeological Evaluation Report dated November 2012) a programme of archaeological work shall be secured and implemented for that area in accordance with a written scheme of investigation which has been submitted and approved by the local planning authority. Thereafter the archaeological work shall be undertaken in accordance with the approved scheme.

Sustainability

- 24) At least 10% of the energy supply of the development shall be secured from decentralised, renewable or low carbon energy sources. A strategy ('the Phase Sustainability Strategy') demonstrating how this is to be achieved across each phase shall be submitted to the local planning authority prior to submission of the first reserved matters application for a development parcel within that phase. The reserved matters application for each development parcel submitted pursuant to Condition 1 above shall be in accordance with the relevant approved Phase Sustainability Strategy and shall include details of physical works within that development parcel and a timetable for their provision. The approved details shall be implemented in accordance with the approved timetable and subsequently retained as operational.

Commercial Uses

- 25) The 'A Class' uses (A1, A2, A3, A4 and A5) hereby permitted shall not exceed 4,000 m² (gross internal floorspace). The individual units shall not exceed a maximum of 1,200 m² (gross internal floorspace).

Waste

- 26) No development shall take place on a development parcel until a detailed waste audit scheme for that development parcel, including details of refuse storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. The development of each development parcel shall be carried out in accordance with the approved details and retained in a condition commensurate with its intended purpose for the lifetime of the development.

Levels

- 27) Prior to the commencement of development in each development parcel, details of the finished floor levels of the buildings within that development parcel shall be submitted concurrently with the reserved matters applications and approved in writing by the local planning authority and shall include full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

Highways, Transport and Parking

- 28) The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be first approved in writing by the local planning authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.
- 29) The details to be submitted to accord with Conditions 1 and 8 above shall provide full information on the means of dealing with the disposal of surface water from the roads and footways.
- 30) The employment and commercial development on the site shall be served by appropriate access roads with turning areas in accordance with details to be first approved in writing by the local planning authority and no part of the employment or commercial development shall be occupied until the associated access way has been laid out in accordance with the details subsequently approved pursuant to Conditions 3 and 8.

- 31) Within one month of any new access being brought into use which makes an existing field access not part of the development redundant, the existing field access point(s) not incorporated in the development hereby permitted shall be stopped up in accordance with the details subsequently approved pursuant to Condition 1.
- 32) The details to be submitted for approval in writing of the local planning authority in accordance with Condition 8 in relation to each phase and sub-phase of the development shall include a scheme of parking, garaging and manoeuvring. The approved schemes shall be implemented and the parking, garaging and manoeuvring areas made available for use before the first occupation of the dwelling or dwellings to which the approved provision relates and those areas shall not thereafter be used for any other purpose.

High Speed Broadband

- 33) Prior to the commencement of development in each development parcel, details of the measures to secure the availability of high speed broadband connection to each dwelling within that development parcel shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

ANNEX F(i):

AGREED DRAFT PLANNING CONDITIONS (WEEDON HILL: MIXED-USE)

Relevant Plans

- 1) The development hereby permitted shall not be carried out except in substantial accordance with the following:

Design and Access Statement

Environmental Statement

REASON: To ensure a satisfactory form and appearance to the development and to comply with policies GP.8, GP.24, GP.35, GP.38, GP.39, GP.40, GP45, GP.53, GP.59, GP.66, GP.84, GP.89-92, GP.94, GP.95 and AY.17 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 2) The following drawings are authorised by this planning permission:

- a) Location Plan - 4349-L-08-A

- b) Masterplan - 4349-L-105-F

- c) Future Park and Ride Site Access and Mixed-Use Development Site Access
- Figure 4.2 Rev A

REASON: For the avoidance of doubt and to ensure a satisfactory form of development.

- 3) No more than 120 dwellings shall be constructed on the site pursuant to this planning permission.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development.

Reserved Matters and Implementation

- 4) Approval of the details of the access layout, scale, design and external appearance of any part of the development shall be obtained in writing from the local planning authority before that part of the development is commenced. The development shall not be carried out otherwise than in accordance with the approved details and shall accord with the objectives of the Design and Access Statement.

REASON: The application is for outline planning permission.

- 5) Application for approval of the reserved matters in respect of the development hereby permitted shall be made to the local planning authority before the expiration of 3years from the date of this permission.

REASON: The application is for outline planning permission.

- 6) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered

circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 7) Plans and particulars submitted pursuant to Condition 5 above shall include the following details:
- a) any proposed access road(s) including details of horizontal and vertical alignment;
 - b) the layout and specification for (1) any internal roads not covered by (a) above, (2) footpaths, (3) parking, turning and loading/unloading areas (including visibility splays), (4) cycle parking areas, (5) cycle storage facilities and (6) access facilities for the disabled (7) individual accesses;
 - c) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
 - d) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, refuse storage provision and other minor structures to be installed thereon;
 - e) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees (including trees to be retained as part of the development with measures for their protection before and during the course of construction), bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment). Any protection measures for retained trees shall be carried out prior to the commencement of the development of that part of the site and shall be retained during the period that the development of that part of the site takes place
 - f) lighting to roads, footpaths and other public areas
 - g) details of parking, and manoeuvring areas to serve the development.

The development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory appearance to the development and to comply with policies GP.24, GP.35, GP.38, GP.39, GP.45, GP.95 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Construction Management Plan

- 8) Before any phase of the development hereby permitted is commenced a Construction Management Plan in respect of that phase shall have been submitted to and approved in writing by the local planning authority. Construction of each phase of the development shall not be carried out otherwise than in accordance with each approved construction management plan. Each Construction Management Plan shall include the following matters:
- a) parking and turning for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) piling techniques if necessary;
 - d) storage of plant and materials;

- e) programme of works (including measures for traffic management and operating hours);
- f) provision of boundary hoarding and lighting;
- g) protection of important trees, hedgerows and other natural features;
- h) details of proposed means of dust suppression and noise mitigation;
- i) details of measures to prevent mud from vehicles leaving the site during construction.

REASON: To minimise danger and inconvenience to highway users and to safeguard the amenities of neighbouring residential amenity and to comply with policies GP.8 and GP.95 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Sustainability

- 9) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved. The commercial units shall achieve BREEAM "very good" environmental performance standard.

REASON: To ensure the development provides for a sustainable design and construction.

Drainage / Flood Risk

- 10) No phase of development shall take place (apart from specific operations approved in advance by the local planning authority) until such time as a scheme to provide a detailed assessment of surface water management for that phase has been submitted to, and approved in writing by the local planning authority. The proposed drainage scheme shall follow the principles contained in the approved Flood Risk Assessment (FRA) dated March 2012 carried out by Brookbanks Consulting reference 1359/FRA/01 Revision 3 and the following mitigation measures detailed within the FRA:

- a) Limiting the surface water run-off to greenfield run-off rates as stated within the FRA so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding elsewhere.
- b) Limiting the surface water volumes to existing volumes as stated within the FRA so that it will not exceed the run-off from the undeveloped site and not increase flood risk elsewhere.
- c) Provide a sustainable drainage scheme as stated within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent the increased risk of flooding on the proposed development and future occupants in accordance with the National Planning Policy Framework through the implementation of adequate surface water drainage, to maximise ecological gains in line with the National Planning Policy Framework and to contribute towards water quality improvements as required by the Water Framework Directive.

Slab Levels

- 11) Prior to the commencement of development in each phase, details of the finished floor levels for each phase of development shall be submitted concurrently with the reserved matters applications and approved in writing by the local planning authority and shall include full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy GP35 of the Aylesbury Vale District Local Plan.

Highways, Transport and Parking

- 12) The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be first approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out (at least to base course) in accordance with the approved details.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 13) The details to be submitted to accord with condition 12 above shall provide full information on the means of dealing with the disposal of surface water from the roads and footways.

REASON: To minimise danger and inconvenience to highway users.

- 14) The development shall not begin until details of the Industrial access road(s) have been approved in writing by the Local Planning Authority and no building shall be occupied until the access road(s) to that building have been laid out and constructed in accordance with the approved details.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 15) The details to be submitted for the approval of the Local Planning Authority in accordance with condition 4 above shall include a scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles in accordance with the Local Planning Authority's "Car Parking Standards". The approved scheme shall be implemented as the construction of buildings occur and made available for use before the building hereby permitted is occupied and that area shall not be used for any other purpose.

REASON: To enable vehicles to draw off, park, load/unload and turn clear of the highway.

Lighting

- 16) Before the development of the park and ride facility commences details of lighting of the park and ride facility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained in accordance with the approved details which shall be carried out before the park and ride facility is brought into use. The approved lighting

scheme may be amended in writing with the consent of the Local Planning Authority.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with the National Planning Policy Framework.

Ecology

- 17) Before the development hereby permitted is commenced a scheme to secure the completion of any ecological mitigation and enhancement measures required for the development shall have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved and shall be based upon the mitigation and enhancement measures contained within the Environmental Statement dated March 2012 and shall include a programme for implementation.

REASON: To address the impact of the development on biodiversity and to accord with the National Planning Policy Framework.

High Speed Broadband

- 18) Prior to the commencement of development details of the measures to facilitate the provision of high speed broadband connections to the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory form of development to comply with the National Planning Policy Framework.

ANNEX F (ii):

RECOMMENDED PLANNING CONDITIONS (WEEDON HILL: MIXED-USE)

Relevant Plans

- 1) The development hereby permitted shall not be carried out except in substantial accordance with the following: -
 - Design and Access Statement*
 - Environmental Statement*
- 2) The following drawings are authorised by this planning permission: -
 - a) Location Plan - 4349-L-08-A
 - b) Masterplan - 4349-L-105-F and
 - c) Future Park and Ride Site Access and Mixed-Use Development Site Access - Figure 4.2 Rev A
- 3) No more than 120 dwellings shall be constructed on the site pursuant to this planning permission.

Reserved Matters and Implementation

- 4) Approval of the details of the access layout, scale, design and external appearance of any part of the development shall be obtained in writing from the local planning authority before that part of the development is commenced. The development shall not be carried out otherwise than in accordance with the approved details and shall accord with the objectives of the Design and Access Statement.
- 5) Application for approval of the reserved matters in respect of the development hereby permitted shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
- 6) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 7) Plans and particulars submitted pursuant to Condition 5 above shall include the following details: -
 - a) any proposed access road(s) including details of horizontal and vertical alignment;
 - b) the layout and specification for: -
 - (1) any internal roads not covered by (a) above;
 - (2) footpaths;
 - (3) parking, turning and loading/unloading areas (including visibility splays);
 - (4) cycle parking areas;

- (5) cycle storage facilities;
 - (6) access facilities for the disabled; and
 - (7) individual accesses;
- c) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
 - d) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, refuse storage provision and other minor structures to be installed thereon;
 - e) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees (including trees to be retained as part of the development with measures for their protection before and during the course of construction), bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment). Any protection measures for retained trees shall be carried out prior to the commencement of the development of that part of the site and shall be retained during the period that the development of that part of the site takes place;
 - f) lighting to roads, footpaths and other public areas; and
 - g) details of parking, and manoeuvring areas to serve the development.

The development shall be carried out in accordance with the approved details.

Construction Management Plan

- 8) Before any phase of the development hereby permitted is commenced a Construction Management Plan in respect of that phase shall have been submitted to and approved in writing by the local planning authority. Construction of each phase of the development shall not be carried out otherwise than in accordance with each approved Construction Management Plan which shall include the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) piling techniques if necessary;
 - d) storage of plant and materials;
 - e) programme of works (including measures for traffic management and operating hours);
 - f) provision of boundary hoarding and lighting;
 - g) protection of important trees, hedgerows and other natural features;
 - h) details of proposed means of dust suppression and noise mitigation; and
 - i) details of measures to prevent mud from vehicles leaving the site during construction.

Sustainability

- 9) The dwellings shall, as a minimum, achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it, and submitted to the local planning authority, certifying that Code Level 3 has been achieved. The commercial units, as a minimum, shall achieve Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' environmental performance standard.

Drainage / Flood Risk

- 10) No phase of development shall take place (apart from specific operations approved in advance by the local planning authority) until such time as a scheme to provide a detailed assessment of surface water management for that phase has been submitted to, and approved in writing by the local planning authority. The proposed drainage scheme shall follow the principles contained in the approved Flood Risk Assessment dated March 2012 carried out by Brookbanks Consulting reference 1359/FRA/01 Revision 3 and the following mitigation measures detailed within the Flood Risk Assessment: -
- a) limiting the surface water run-off to greenfield run-off rates as stated within the Flood Risk Assessment so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding elsewhere;
 - b) limiting the surface water volumes to existing volumes as stated within the Flood Risk Assessment so that it will not exceed the run-off from the undeveloped site and not increase flood risk elsewhere; and
 - c) provide a sustainable drainage scheme as stated within the Flood Risk Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Slab Levels

- 11) Prior to the commencement of development in each phase, details of the finished floor levels for each phase of development shall be submitted concurrently with the reserved matters applications and approved in writing by the local planning authority and shall include full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out in accordance with the approved details.

Highways, Transport and Parking

- 12) The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be first approved in writing by the local planning authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out (at least to base course) in accordance with the approved details.

- 13) The details to be submitted to accord with Condition 12 above shall provide full information on the means of dealing with the disposal of surface water from the roads and footways.
- 14) The development shall not begin until details of the Industrial access road(s) have been approved in writing by the local planning authority and no building shall be occupied until the access road(s) to that building have been laid out and constructed in accordance with the approved details.
- 15) The details to be submitted for the approval of the local planning authority in accordance with Condition 4 above shall include a scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles. The approved scheme shall be implemented as the construction of buildings occur and made available for use before the related buildings are occupied and those areas shall not thereafter be used for any other purpose.

Lighting

- 16) Before the development of the park and ride facility commences details of the lighting of the site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the park and ride facility is brought into use and thereafter retained in accordance with the approved details.

Ecology

- 17) Before the development hereby permitted is commenced a scheme to secure the completion of any ecological mitigation and enhancement measures required for the development shall have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved and shall be based on the mitigation and enhancement measures contained within the Environmental Statement dated March 2012 and shall include a programme for implementation.

High Speed Broadband

- 18) Prior to the commencement of development details of the measures to facilitate the provision of high speed broadband connections to the development, and a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

ANNEX G(i):

AGREED DRAFT PLANNING CONDITIONS (WEEDON HILL: RESIDENTIAL)

Relevant Plans

- 1) The development hereby permitted shall not be carried out except in substantial accordance with the following:

Design and Access Statement

Environmental Statement

REASON: To ensure a satisfactory form and appearance to the development and to comply with policies GP.8, GP.24, GP.35, GP.38, GP.39, GP.40, GP45, GP.53, GP.59, GP.66, GP.84, GP.89-92, GP.94, GP.95 and AY.17 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 2) The following drawings are authorised by this planning permission:

- a) Location Plan - 4349-L-200 -A

- b) The Parameters Plan - 4349-L-202-F

- c) Future Park and Ride Site Access and Mixed-Use Development Site Access - Figure 4.2 Rev A.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development.

- 3) No more than 220 dwellings shall be constructed on the site pursuant to this planning permission.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development.

Reserved Matters and Implementation

- 4) Approval of the details of the access layout, scale, design and external appearance of any part of the development shall be obtained in writing from the local planning authority before that part of the development is commenced. The development shall not be carried out otherwise than in accordance with the approved details and shall accord with the objectives of the Design and Access Statement.

REASON: The application is for outline planning permission.

- 5) Application for approval of the reserved matters in respect of the development hereby permitted shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

REASON: The application is for outline planning permission.

- 6) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To prevent the accumulation of planning permissions: to enable the

Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 7) Plans and particulars submitted pursuant to Condition 5 above shall include the following details:
- a) any proposed access road(s) including details of horizontal and vertical alignment;
 - b) the layout and specification for (1) any internal roads not covered by (a) above, (2) footpaths, (3) parking, turning and loading/unloading areas (including visibility splays), (4) cycle parking areas, (5) cycle storage facilities and (6) access facilities for the disabled (7) individual accesses;
 - c) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
 - d) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, refuse storage provision and other minor structures to be installed thereon;
 - e) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees (including trees to be retained as part of the development with measures for their protection before and during the course of construction), bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment). Any protection measures for retained trees shall be carried out prior to the commencement of the development of that part of the site and shall be retained during the period that the development of that part of the site takes place
 - f) lighting to roads, footpaths and other public areas
 - g) details of parking, and manoeuvring areas to serve the development.

The development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory appearance to the development and to comply with policies GP.24, GP.35, GP.38, GP.39, GP.45, GP.95 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Construction Management Plan

- 8) Before any phase of the development hereby permitted is commenced a Construction Management Plan in respect of that phase shall have been submitted to and approved in writing by the local planning authority. Construction of each phase of the development shall not be carried out otherwise than in accordance with each approved construction management plan. Each Construction Management Plan shall include the following matters:
- a) parking and turning for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) piling techniques if necessary;
 - d) storage of plant and materials;

- e) programme of works (including measures for traffic management and operating hours);
- f) provision of boundary hoarding and lighting;
- g) protection of important trees, hedgerows and other natural features;
- h) details of proposed means of dust suppression and noise mitigation;
- i) details of measures to prevent mud from vehicles leaving the site during construction.

REASON: To minimise danger and inconvenience to highway users and to safeguard the amenities of neighbouring residential amenity and to comply with policies GP.8 and GP.95 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Sustainability

- 9) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: To ensure the development provides for a sustainable design and construction.

Drainage / Flood Risk

- 10) No phase of development shall take place (apart from specific operations approved in advance by the local planning authority) until such time as a scheme to provide a detailed assessment of surface water management for that phase has been submitted to, and approved in writing by the local planning authority. The proposed drainage scheme shall follow the principles contained in the approved Flood Risk Assessment (FRA) dated March 2012 carried out by Brookbanks Consulting reference 1359/FRA/01 Revision 3 and the following mitigation measures detailed within the FRA:

- a) Limiting the surface water run-off to greenfield run-off rates as stated within the FRA so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding elsewhere.
- b) Limiting the surface water volumes to existing volumes as stated within the FRA so that it will not exceed the run-off from the undeveloped site and not increase flood risk elsewhere.
- c) Provide a sustainable drainage scheme as stated within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent the increased risk of flooding on the proposed development and future occupants in accordance with the National Planning Policy Framework through the implementation of adequate surface water drainage, to maximise ecological gains in line with the National Planning Policy Framework and to contribute towards water quality improvements as required by the Water Framework Directive.

Slab Levels

- 11) Prior to the commencement of development in each phase, details of the finished floor levels for each phase of development shall be submitted concurrently with the reserved matters applications and approved in writing by the local planning authority and shall include full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy GP35 of the Aylesbury Vale District Local Plan.

Highways, Transport and Parking

- 12) The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be first approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out (at least to base course) in accordance with the approved details.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 13) The details to be submitted to accord with condition 12 above shall provide full information on the means of dealing with the disposal of surface water from the roads and footways.

REASON: To minimise danger and inconvenience to highway users.

- 14) The details to be submitted for the approval of the Local Planning Authority in accordance with condition 4 above shall include a scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles in accordance with the Local Planning Authority's "Car Parking Standards". The approved scheme shall be implemented as the construction of buildings occur and made available for use before the building hereby permitted is occupied and that area shall not be used for any other purpose.

REASON: To enable vehicles to draw off, park, load/unload and turn clear of the highway.

Lighting

- 15) Before the development of the park and ride facility commences details of lighting of the park and ride facility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained in accordance with the approved details which shall be carried out before the park and ride facility is brought into use. The approved lighting scheme may be amended in writing with the consent of the Local Planning Authority.

REASON: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with the National Planning Policy Framework.

Ecology

- 16) Before the development hereby permitted is commenced a scheme to secure the completion of any ecological mitigation and enhancement measures required for the development shall have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved and shall be based upon the mitigation and enhancement measures contained within the Environmental Statement dated March 2012 and shall include a programme for implementation.

REASON: To address the impact of the development on biodiversity and to accord with the National Planning Policy Framework.

High Speed Broadband

- 17) Prior to the commencement of development details of the measures to facilitate the provision of high speed broadband connections to the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory form of development to comply with the National Planning Policy Framework.

ANNEX G(ii):

RECOMMENDED PLANNING CONDITIONS (WEEDON HILL: RESIDENTIAL)

Relevant Plans

- 1) The development hereby permitted shall not be carried out except in substantial accordance with the following: -
 - Design and Access Statement*
 - Environmental Statement*
- 2) The following drawings are authorised by this planning permission: -
 - a) Location Plan - 4349-L-200-A
 - b) The Parameters Plan - 4349-L-202-F and
 - c) Future Park and Ride Site Access and Mixed-Use Development Site Access - Figure 4.2 Rev A
- 3) No more than 220 dwellings shall be constructed on the site pursuant to this planning permission.

Reserved Matters and Implementation

- 4) Approval of the details of the access layout, scale, design and external appearance of any part of the development shall be obtained in writing from the local planning authority before that part of the development is commenced. The development shall not be carried out otherwise than in accordance with the approved details and shall accord with the objectives of the Design and Access Statement.
- 5) Application for approval of the reserved matters in respect of the development hereby permitted shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
- 6) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 7) Plans and particulars submitted pursuant to Condition 5 above shall include the following details: -
 - a) any proposed access road(s) including details of horizontal and vertical alignment;
 - b) the layout and specification for: -
 - (1) any internal roads not covered by (a) above;
 - (2) footpaths;
 - (3) parking, turning and loading/unloading areas (including visibility splays);
 - (4) cycle parking areas;

- (5) cycle storage facilities;
 - (6) access facilities for the disabled; and
 - (7) individual accesses;
- c) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
 - d) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, refuse storage provision and other minor structures to be installed thereon;
 - e) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees (including trees to be retained as part of the development with measures for their protection before and during the course of construction), bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment). Any protection measures for retained trees shall be carried out prior to the commencement of the development of that part of the site and shall be retained during the period that the development of that part of the site takes place;
 - f) lighting to roads, footpaths and other public areas; and
 - g) details of parking, and manoeuvring areas to serve the development.

The development shall be carried out in accordance with the approved details.

Construction Management Plan

- 8) Before any phase of the development hereby permitted is commenced a Construction Management Plan in respect of that phase shall have been submitted to and approved in writing by the local planning authority. Construction of each phase of the development shall not be carried out otherwise than in accordance with each approved Construction Management Plan which shall include the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) piling techniques if necessary;
 - d) storage of plant and materials;
 - e) programme of works (including measures for traffic management and operating hours);
 - f) provision of boundary hoarding and lighting;
 - g) protection of important trees, hedgerows and other natural features;
 - h) details of proposed means of dust suppression and noise mitigation; and
 - i) details of measures to prevent mud from vehicles leaving the site during construction.

Sustainability

- 9) The dwellings shall, as a minimum, achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it, and submitted to the local planning authority, certifying that Code Level 3 has been achieved.

Drainage / Flood Risk

- 10) No phase of development shall take place (apart from specific operations approved in advance by the local planning authority) until such time as a scheme to provide a detailed assessment of surface water management for that phase has been submitted to, and approved in writing by the local planning authority. The proposed drainage scheme shall follow the principles contained in the approved Flood Risk Assessment dated March 2012 carried out by Brookbanks Consulting reference 1359/FRA/01 Revision 3 and the following mitigation measures detailed within the Flood Risk Assessment: -
- a) limiting the surface water run-off to greenfield run-off rates as stated within the Flood Risk Assessment so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding elsewhere;
 - b) limiting the surface water volumes to existing volumes as stated within the Flood Risk Assessment so that it will not exceed the run-off from the undeveloped site and not increase flood risk elsewhere; and
 - c) provide a sustainable drainage scheme as stated within the Flood Risk Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Slab Levels

- 11) Prior to the commencement of development in each phase, details of the finished floor levels for each phase of development shall be submitted concurrently with the reserved matters applications and approved in writing by the local planning authority and shall include full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out in accordance with the approved details.

Highways, Transport and Parking

- 12) The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be first approved in writing by the local planning authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out (at least to base course) in accordance with the approved details.
- 13) The details to be submitted to accord with Condition 12 above shall provide full information on the means of dealing with the disposal of surface water from the roads and footways.

- 14) The details to be submitted for the approval of the local planning authority in accordance with Condition 4 above shall include a scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles. The approved scheme shall be implemented as the construction of buildings occur and made available for use before the related buildings are occupied and those areas shall not thereafter be used for any other purpose.

Lighting

- 15) Before the development of the park and ride facility commences details of the lighting of the site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the park and ride facility is brought into use and thereafter retained in accordance with the approved details.

Ecology

- 16) Before the development hereby permitted is commenced a scheme to secure the completion of any ecological mitigation and enhancement measures required for the development shall have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved and shall be based on the mitigation and enhancement measures contained within the Environmental Statement dated March 2012 and shall include a programme for implementation.

High Speed Broadband

- 17) Prior to the commencement of development details of the measures to facilitate the provision of high speed broadband connections to the development, and a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the approved details.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.