



Department for
Communities and
Local Government

Mr Nick Freer
David Lock Associates Ltd
50 North Thirteenth Street
Central Milton Keynes MK9 3BP

Our Ref: APP/J0405/A/14/2219574

9 August 2016

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY HALLAM LAND MANAGEMENT LTD: LAND EAST OF A413
BUCKINGHAM ROAD AND WATERMEAD, AYLESBURY
APPLICATION REF: 13/03534/AOP**

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 an inquiry for 13 days between 4 November 2014 and 21 July 2015 into your client's appeal against a refusal to grant outline planning permission by Aylesbury Vale District Council ('the Council') for up to 1,560 dwellings, together with a primary school, nursery, a mixed use local centre for retail, employment, healthcare and community uses, green infrastructure and new link road, in accordance with application reference 13/03534/AOP, dated 17 December 2013.
2. On 6 June 2014 the appeal was recovered for the Secretary of State's determination, in pursuance of section 78 of the Town and Country Planning Act 1990, because 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.

Inspector's recommendation and summary of the decision

3. The Inspector recommends that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation, dismisses the appeal and refuses planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising following the close of the Inquiry

4. The Secretary of State notes the procedural matters at 1.1 to 1.6 of the IR.

5. On 10 May 2016, the Secretary of State wrote to parties to seek comments on the Judgment in the cases of *Suffolk District Council v Hopkins Homes Ltd* and *Richborough Estates Partnership LLP v Cheshire East Borough Council & Secretary of State for Communities and Local Government* [2016] EWCA Civ 168.
6. In reaching his decision on this appeal, the Secretary of State has taken account of all correspondence on the above matters. As this correspondence was copied to the parties to this case the Secretary of State does not consider it necessary to reproduce it here. Copies may be obtained on request to the address at the foot of the first page of this letter.

Policy considerations

7. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 ("the Act"), which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the saved policies of the Aylesbury Vale District Local Plan (LP), adopted January 2004. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework), the associated planning practice guidance (the Guidance) and the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

Emerging Policy

8. The Secretary of State notes that public consultation on the new Vale of Aylesbury Local Plan began on 7 July 2016. He notes the proposed housing allocations are subject to change and at this stage land east of the A413 at Buckingham Road and Watermead does not appear as a proposal. He gives the emerging policy no weight at this stage.

Main considerations

9. The Secretary of State agrees with the Inspector that the main considerations are those listed at IR1.35.

Housing land supply

10. Having carefully considered the Inspector's discussion at IR7.2-7.9 with regard to the housing requirement and land supply the Secretary of State agrees that a 5 year supply of deliverable housing sites cannot be demonstrated against objectively assessed need. He notes the Council are still working on their assessment and published a position paper in January 2016. However these figures have not been tested against objectively assessed need and he gives them no weight at this stage. At the Inquiry a supply of around 3 years was agreed between parties. The Secretary of State agrees with the Inspector the provision of both market and affordable housing at the level required by Policy GP.2 is a factor of very significant weight (IR7.10).

Landscape

Landscape character

11. The Secretary of State agrees with the Inspector that the development would impact on two local landscape character areas (IR7.13), remove key landscape characteristics

including narrow strip fields and ridge and furrow, and compound the impact of ribbon development along the A418 (IR7.19). He further agrees that, with the exception of narrow remnant gaps, the built up area of Aylesbury would run out into Birtton. The Secretary of State also agrees with the Inspector and finds that the screening planting would be at odds with the open character of the landscape and would compound the influence of the urban area onto the neighbouring landscape character areas (IR7.25).

Visual effects

12. The Secretary of State notes the Inspector's discussion at IR7.26 – 7.35 and agrees that the visual impacts from public rights of way, especially those in more sensitive countryside would be very marked, the approach to Aylesbury along the A413 would become more urban and from the A418 there would be blurring of the distinction between Aylesbury and Birtton (IR7.36).

Landscape value

13. The Secretary of State notes the proposed development is not within a designated landscape and its scenic quality is not of any note (IR7.37 – 7.38). He agrees that formal public access and recreational use is limited to two public rights of way across the site (IR7.41) and agrees with the Inspector that the land has minimal recreational value.

Scheme design

14. The Secretary of State notes the development would deliver green infrastructure and a linear park (IR7.43). However, like the Inspector he concludes that the proposals would result in a fundamental and adverse change to the character of the landscape, and that the visual impacts of the proposal would be especially marked by extending the influence of Aylesbury into the open countryside and onto land which currently provides containment to the built up area, in conflict with the Framework and Policy GP.35 (design of new development). As such he finds like the Inspector that notwithstanding the ecological and recreational benefits of the proposal, the development as a whole would have a very significant adverse impact on the character and appearance of the landscape (IR7.46).

The setting, identity and historic context of adjacent settlements

Setting and identity

15. The Secretary of State agrees with the Inspector that Birtton is a village surrounded by countryside and not joined to Aylesbury and that the proposed development would cause Birtton to lose its separate identity (IR7.51). He further agrees that the proposed green infrastructure would effectively tie Watermead to Birtton and is likely to be perceived as a complementary element of the new housing development and as such be a further agent of coalescence (IR7.55).
16. The Secretary of State has carefully considered the Inspector's comments at IR7.57 – 7.60 and agrees that omission of some housing from the proposal would offset the identified adverse impact on the individuality of Birtton, but that it would not eliminate it (IR7.61).

Historic context

17. The Secretary of State like the Inspector finds that the development would not have any material effect on the setting of Bierton's historic assets and that the character and appearance of the Conservation Area would be preserved (IR7.62). He further agrees that the ability to read or appreciate the history of the landscape as a whole would be seriously diminished by built development, through the loss of a generally well-preserved field pattern (IR7.66).

Planning Policy

18. The Secretary of State has noted the Inspector's comments at IR7.68 – 7.69 and his summary conclusions at IR7.70 – 7.73. He disagrees with the Inspector and finds Policy RA.2 now a relevant policy for the supply of housing as it is engaged when there is any reduction to open land that contributes to the form and character of rural settlements. Because policy RA.2 is a relevant policy for the supply of housing Paragraph 49 of the Framework applies, however policy RA.2 should not be considered up-to-date because of a lack of a 5 year housing land supply. The Secretary of State agrees with the Inspector that the specific purpose of Policy RA.2 is to avoid coalescence and protect the identity of settlements; he therefore gives some weight to Policy RA.2 in the planning balance.

Best and most versatile agricultural land

19. The Secretary of State agrees with the Inspector that the development would involve the loss of 55 hectares of best and most versatile agricultural land including 19.5 hectares of grade 2 land (IR7.80). He also agrees that this loss is of material significance undermining the sustainability claims of the scheme and like the Inspector gives this matter moderate weight.

Mix of uses and sustainability

20. The Secretary of State agrees with the Inspector (IR7.81 – 7.91) that the appeal site is well located, with opportunities for sustainable travel to employment sites and while it is not clear that the development would have significant levels of employment provision, he also agrees that it cannot be said that the proposed mix of uses would lead to an unsustainable form of development. The Secretary of State agrees this is neutral in the planning balance (IR7.92).

Highways and transportation

21. The Secretary of State agrees that the proposed development would promote opportunities for sustainable travel and deliver significant benefits for the wider highway network (IR7.94 – 7.111). He notes the Inspector's comments at IR7.112 that although the provision of a Northern Link Road does not have a policy foundation safeguarding a future route, it would not be frustrated by a conditional grant of planning permission. He further agrees that the development would not have a clear-cut adverse impact on the objectives of reducing congestion, inconvenience and hazards on the local highway network, and as such this issue is neutral in the planning balance (IR7.113).

Flooding

22. The Secretary of State notes that the Sequential Test has been met and that the Inspector finds with a pressing need for housing provision in Aylesbury Vale, there is no evidence that the site would be unsafe, that the site could manage run-off with an appropriate sustainable drainage regime and that there is no evidence that the proposal would exacerbate local flooding (IR7.114 – 7.123). He concludes as the Inspector does (IR7.124) that the development would be consistent with the objectives of the Framework and it would add a moderate benefit in the planning balance.

Conditions and obligations

23. The Secretary of State has considered the Inspector's recommended conditions in Annex C of the IR and his assessment at IR198-204 and IR7.125 – 7.137. The Secretary of State is satisfied that the proposed conditions 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.
24. The Secretary of State has noted the Inspector's discussion and assessment of the bilateral agreement with regard to planning obligations at IR7.138 – 7.161. The Secretary of State agrees with the Inspector the planning obligation as a whole would meet the statutory tests in the Community Infrastructure Levy Regulations 2010 and related guidance in the Framework.

The planning balance and conclusion

25. Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, the Secretary of State concludes that, for the reasons outlined above, the appeal proposal is not in accordance with the Development Plan as a whole. He has therefore gone on to consider whether there are any material considerations which might nevertheless justify allowing the appeal. The district does not have a 5 year supply of deliverable housing sites and there has been persistent under delivery of new housing so paragraph 49 of the Framework is engaged and permission should be granted 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.
26. With regard to the benefits of the proposal, the Secretary of State affords very substantial weight to the provision of market and affordable housing, and to the employment associated with construction and future maintenance of the development. He also finds that the proposed development would be well located and sustainable in terms of its accessibility and its measures to facilitate a choice of travel modes. He further finds that the development would not exacerbate surface water flooding and the drainage measures for the site would offer improvement for the existing community, he gives this sustainability benefit moderate weight. The lack of employment land within the site, over and above that needed to support facilities within the development and appropriate community facilities and infrastructure which would be secured by planning obligations, are both neutral in the planning balance.
27. However, against this, the Secretary of State weighs the very significant adverse impacts to the character and appearance of the landscape, which mean that the proposal would be in conflict with Policy GP.35 of the Local Plan, on the design of new development, even taking into account the biodiversity and recreational benefits of the green

infrastructure. He also finds the development would engulf historic field patterns and ridge and furrow; and like the Inspector (IR7.172) concludes that the proposed development would have the undesirable effect of merging Aylesbury with Berton with a loss of distinct village identity contrary to Policy RA.2. He further finds that the loss of a significant area of best and most versatile agricultural land within the site also tells against the sustainability credentials of the proposal and gives this moderate weight against the scheme.

28. Overall, the Secretary of State considers that, taking these matters together, the scheme would not amount to sustainable development and that there are no material considerations which would justify granting outline planning permission.

Public Sector Equality Duty

29. In making this decision, the Secretary of State has had due regard to the requirements of Section 149 of the Public Sector Equality Act 2010, which introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In this regard, and in coming to his decision, the Secretary of State acknowledges that the proposed scheme would have had some positive impact on protected persons arising from the provision of affordable housing, but he does not consider that this benefit would have been sufficient to outweigh his reasons for refusal.

Formal Decision

30. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses outline planning permission for up to 1,560 dwellings, together with a primary school, nursery, a mixed use local centre for retail, employment, healthcare and community uses, green infrastructure and new link road, in accordance with application reference 13/03534/AOP, dated 17 December 2013.

Right to challenge the decision

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
32. A copy of this letter has been sent to Aylesbury Vale District Council. Notification has been sent to all other parties who asked to be informed of the appeal decision.

Yours sincerely

Phil Barber

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: 17 December 2015

Town and Country Planning Act 1990

Appeal by Hallam Land Management Limited

Land east of A413 Buckingham Road and Watermead, Aylesbury

Aylesbury Vale District Council

Richborough Estates

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Appeal Reference: APP/J0405/A/14/2219574

Land east of A413 Buckingham Road and Watermead, Aylesbury

- 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 13/03534/AOP, dated 17 December 2013 was refused by notice dated 2 April 2014.
- The development proposed was described as:-
 - up to 1,560 dwellings;
 - a 2 form entry (FE) Primary School (420 places) and children's nursery;
 - a mixed use local centre (2 hectares) to include up to 8,000m² GEA floorspace for small scale retail, employment, healthcare, extra care sports pavilion, community uses and some residential use (Use Classes A1 to A5, C3, D1-D2) inclusive of up to 1,500m² GEA of retail (A1-A5) and up to 200m² GEA of employment (B1a and B1b);
 - a comprehensive network of green infrastructure comprising new community parks including a linear park following the River Thames. The green infrastructure will provide for habitat creation, retained vegetation, landscaping including new woodland planting, open space, allotments, sports pitches and play areas, sustainable urban drainage features, retained rights of way and new walking and cycling routes;
 - a new Main Link Road (MLR) which will connect the A418 and A413 through the development. The MLR will include a crossing of the River Thames;
 - vehicular access into the site through the construction of a new 'arm' off the existing A413-AWLR¹ roundabout, and a new signalised T-junction on the A418 Bierton Road;
 - associated engineering works (including ground modelling); infrastructure provision (including drainage works); car parking for all uses and lighting; and
 - demolition of Dunsham Farm and associated buildings.

Summary of Recommendation: The appeal be dismissed.

1. Introduction

Procedural matters

- 1.1 The Inquiry sat for 13 days on 4 - 7 and 11 - 14 November 2014; 13 January 2015; and 7 - 9 and 21 July 2015. I made an accompanied visit to the site and its surroundings on 7 January 2015 and undertook various unaccompanied visits on other dates.
- 1.2 Proofs of evidence as originally submitted are included as Inquiry documents; but their content may have been affected by oral evidence, concessions and corrections. Closing submissions are also included which, save for minor typographical corrections and limited oral additions, are as delivered to the Inquiry.

¹ Aylesbury Western Link Road

- 1.3 Throughout this report the appellant, Hallam Land Management Limited, will be referred to as 'Hallam'; and Barwood Land and Estates Limited, a Rule 6 party, will be referred to as 'Barwood'.
- 1.4 Barwood appeared at the Inquiry in November 2014 and in January 2015 but, thereafter, took no further part in proceedings other than submitting closing submissions in writing and a written application for a partial award of costs against Hallam. This is the subject of a separate report.
- 1.5 The Hampden Fields Consortium ('the Consortium'), a further Rule 6 party, made representations in writing and did not appear at the Inquiry. These primarily related to highway matters (which preceded additional modelling and mitigation measures) and flooding issues.
- 1.6 Watermead Parish Council, also with Rule 6 status, indicated shortly before the opening of the Inquiry that it no longer intended to present evidence in person and that the proof of evidence submitted by David Patrick of Environments for People, on flooding and water management, should be withdrawn; and that of Pamela Stocks be treated as a written representation. However, appearances were made by Sue Severn, Chairman of the Parish Council, and Roger Cooling following his appointment as Parish Councillor.

Reasons for refusal

- 1.7 The Council's decision notice is dated 2 April 2014. It cites 5 reasons for refusal:-
- 1) *'The proposal would conflict with policies GP35 and RA2 of the Aylesbury Vale District [Local] Plan and would not constitute sustainable development. It would fail to comply with the core planning principles of the National Planning Policy Framework to recognise the intrinsic character and beauty of the countryside, to conserve and enhance the natural environment and to reuse land that has previously been developed. The development is of a scale and nature on a Greenfield site in the open countryside which would result in the loss of best and most versatile agricultural land. The development would cause harm by the significant adverse visual and landscape character impact on the area of the development site and its surrounding valued landscape including through the loss of the historic parliamentary field enclosures and to the settlement identity of Bierton. The extension of the built edge of Aylesbury would lead to coalescence between settlements and which would be harmful to the character and identity of Watermead and to Bierton. This is contrary to the Development Plan and to advice contained in the National Planning Policy Framework.'*
 - 2) *Insufficient information has been submitted with the planning application to enable the highways, traffic and transportation implications of the proposed development to be fully assessed. From the information submitted, it is not considered that the development could take place without having a severe impact on the existing highway network and it has not been proven to promote sustainable transport or conform with the strategic objectives to reduce congestion, inconvenience and hazards on the local highway network and therefore, would fail to accord with the advice contained in the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 3.*

- 3) *Insufficient information has been submitted with the planning application to enable the cumulative impact of the development on the highway network when considered in relation to other proposals for mixed use urban extensions at Aylesbury at Weedon Hill, Fleet Marston and Hampden Fields to be fully assessed. From the information submitted, the local planning authority is not satisfied that the cumulative impact of these developments would not have a severe impact on the existing highway network and therefore, would fail to accord with the advice contained in the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 3.*
- 4) *The proposed development does not seek to provide any dedicated employment land and as such, makes little contribution to the job needs of its population or the wider area exacerbating problems of out-commuting. The absence of any employment land in the mix of uses would not help to secure economic growth and weighs against the sustainability credentials of the scheme and would fail to accord with the advice contained in the National Planning Policy Framework and objectives set out in the Council's Economic Development Strategy 2011-2014.*
- 5) *Had the above reasons for refusal not applied, it would have been necessary for the applicant and the Local Planning Authority to enter into a Section 106 Agreement to secure the provision of 35% affordable housing on site, acceptable levels of education provision, leisure and equipped play provision, community facilities, environmental standards and necessary infrastructure either through on or off site provision or financial contribution. In the absence of such provision and any information regarding viability and costings, the Local Planning Authority is not satisfied that the proposal will constitute a sustainable urban extension that fulfils a social economic and environmental role and is integrated with and will strengthen the traditional role of Aylesbury as a County and market town. The development therefore conflicts with policies GP2, GP45, GP86-91 and GP94 of the Aylesbury Vale District Local Plan and the objectives of the National Planning Policy Framework to achieve sustainable development.²*

Environmental Statement

- 1.8 The planning application was accompanied by an Environmental Statement comprising 4 volumes (December 2013);³ and supplemented by further information in the form of an Environmental Statement Addendum incorporating updated transport modelling and cumulative transport effects and an increase in the size of the land made available for the proposed primary school site.⁴
- 1.9 I have taken the Environmental Information into account with the subsequent responses and all of the evidence to the Inquiry.

² **Inspector's note** – Policy GP.89 is not a 'Saved' Policy

³ CD1.9 – CD1.12

⁴ CD1.20; CD1.21

Recovery for determination

- 1.10 By letter dated 6 June 2014 the Secretary of State, in exercise of his powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, directed that he shall determine this appeal. The reason for this direction is that *'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'*.

Pre-Inquiry meeting

- 1.11 I held a pre-Inquiry meeting on 3 September 2014.⁵ Further submissions on behalf of Barwood, by letter dated 11 September 2014, requested the postponement of the Inquiry due to *'..... the failure of the Appellant (Hallam Land Management) to provide all of the necessary information and evidence in support of their appeal in a timely manner and in accordance with PINS (the Planning Inspectorate's) Guidance'*. The request was declined by the Planning Inspectorate on 1 October 2014.⁶

Scheme amendments

- 1.12 The application description was amended by the Council and later adopted, on appeal, by the appellant. By letter dated 12 September 2014 Hallam revised the description of the development to:-⁷

'development comprising the demolition of Dunsham Farm and associated buildings and redevelopment of the site to provide up to 1,560 dwellings, a primary school and children's nursery, a mixed use local centre to include up to 8,000sqm GEA floorspace for small scale retail, employment, healthcare, extra care sports pavilion, community uses and some residential use (use classes A1 to A5, C3, D1-D2) inclusive of up to 1,500sqm GEA of retail (A1-A5) and up to 200sqm GEA of employment (B1a and B1b), green infrastructure comprising new community parks including linear park, landscaping including new woodland planting, open space, allotments, sports pitches, play areas, sustainable urban drainage feature, new Main Link Road to connect A418 & A413 including a crossing of the River Thame and associated access, new walking and cycle routes, ground modelling and infrastructure provision including drainage, parking and lighting'.

- 1.13 This was accompanied by the substitution of an updated Parameters Plan (4962-L-108 rev A, September 2014).⁸ The changes included: -
- (a) *'..... additional land to the east of the primary school site expanded from 2.0 hectares to 2.8 hectares and capable of accommodating a primary school of 2, 2.5 or 3 FE'; and*
 - (b) *'the consequential reorganisation of the open space and a reduction in the overall green infrastructure of 0.8 hectares '.*

The appeal is to be considered on this basis.

⁵ CD2.8

⁶ The correspondence is contained in the appeal file

⁷ Pre-Inquiry Correspondence File

⁸ CD1.19

The site and its surroundings

- 1.14 The appeal site is located to the north-east of Aylesbury, approximately 2.2 kilometres from the town centre. It extends from Buckingham Road (A413), a route from the north, to Bierton Road/Aylesbury Road (A418), an approach from the north-east. Part of the western boundary of the site adjoins the edge of Watermead, which itself forms an extension to Aylesbury; and parts of the southern and south-eastern boundaries abut the village of Bierton. The northern boundary follows the River Thames.
- 1.15 The site occupies an area of 117.19 hectares, with a further 4 hectares or so excluded from the red line boundary but included within the Parameters Plan. The entire area is agricultural land in arable and pastoral use and includes the buildings of Dunsham Farm. The land rises gently from Watermead to a small plateau immediately to the north-west of Bierton which has a similar northerly inclination. This feature, extending towards Grendon Hill Farm Cottages, was referred to as the Bierton ridge spur during the Inquiry.
- 1.16 Taking in the wider area, and moving anti-clockwise, Weedon Hill Major Development Area (Buckingham Park) lies beyond Watermead and comprises some 1,000 recently constructed dwellings. Proposals, by Hallam, to extend this area to the north by either a mixed-use scheme (comprising B1 employment development, park and ride and residential development of up to 120 dwellings) or for a residential proposal (up to 220 dwellings and park and ride) were dismissed on appeal, by the Secretary of State (in accordance with my recommendations to him), in January 2015 following a conjoined Public Inquiry.⁹
- 1.17 Continuing westward, a proposal to develop land to the north-west of Buckingham Park, Quarrendon Fields, for up to 1,380 dwellings, was dismissed on appeal in 2012.¹⁰
- 1.18 Some 3,000 houses and related development are under construction at Berryfields Major Development Area (to the north of the town); and a proposal to construct a mixed use development, with up to 2,745 dwellings, at Fleet Marston (to the north-west) was also dismissed following the conjoined Public Inquiry.
- 1.19 In the opposite direction, and to the south-east of Bierton, lies '*Land East of Aylesbury*' (Kingsbrook) which received outline planning permission, in December 2013, for development including 2,450 houses and the construction of the Eastern Link Road (part) and the Stocklake Link (rural section).¹¹ The Eastern Link Road is intended to link the A418 to the east of Bierton with the A41 (Aston Clinton Road) to the south-east of Aylesbury; and the Stocklake Link would run westward from the Eastern Link Road to the A4157 and thereafter to the A418 (in the direction of the town centre).

⁹ CD7.14

¹⁰ CD5.4

¹¹ AV/5/3; HL/1/7; HL1/7a

- 1.20 Beyond Kingsbrook, open land extends to Aston Clinton Road (A41) which is allocated primarily for a business park; and thereafter (to the south-east of the town) by Hampden Fields, a proposal including some 3,000 dwellings, which was also dismissed following the conjoined Public Inquiry. The Secretary of State observed: -¹²

'..... the benefits of the project would be very substantial and sufficient to outweigh the shortcomings of all but one of the main considerations these drawbacks are considerable and provide a telling balance against what would otherwise be an acceptable scheme'

Scheme design

- 1.21 The Design and Access Statement indicates: - *'The site is largely contained by the urban form of Aylesbury to the west at Watermead. New built development should be located close to the existing urban edge so that the development is seen as an extension to Aylesbury. It is important that there is an appropriate integration between the new development and the established communities of Berton and Watermead'*.¹³
- 1.22 The design is founded on the provision of a Main Link Road through the site, connecting the A413, to the north of Watermead, with the A418, on the south-western edge of Berton.¹⁴ The development would contain a 'community hub' comprising *'the primary school, local centre (retail-employment) and sports pitches and areas of accessible greenspace accessible to all users through a connected network of streets and walking and cycling routes'*.¹⁵
- 1.23 It is also intended to create *'large areas of greenspace and wooded habitats to the north and east of the site, which will provide an appropriate transition between the built development and the Thame Valley the development's green infrastructure will provide landscape, biodiversity, sustainability and recreational benefits for the local community'* as follows: -¹⁶
- (a) *'Watermead Green Space: a wide corridor of greenspace is provided between the edge of Watermead and the built development'*;
 - (b) *'Thame Park: will provide an extensive area of accessible greenspace on the northern edge of the site whilst biodiversity will be the main focus, it will also be publicly accessible. The Park will provide informal recreation for the local community'*;
 - (c) *'Great Lane Park: This is a large area of accessible greenspace on the eastern part of the site, extending from the built development edge to Great Lane. It will create a broad transition between the built form and the landscape'*; and
 - (d) *'Berton Park: will provide green setting between the new development and Berton and create an active area for the local communities the aspiration is that the Park should be more formal in character in comparison to the Thame Park, and should predominantly be an area of open greenspace for recreation and potential community events'*

¹² CD7.14 (DL 30)

¹³ CD1.8 page 44

¹⁴ CD1.8 page 48

¹⁵ CD1.8 page 49

¹⁶ CD1.8 pages 50 & 95 - 98

Statements of Common Ground

General Matters

- 1.24 A Statement of Common Ground,¹⁷ between the Council and Hallam, on general matters includes, amongst other things, agreement that: -
- (a) a small part of the site lies within the floodplain of the River Thame; built development would be excluded from Flood Zones 2 and 3, other than highways infrastructure; the Flood Risk Assessment demonstrates that surface water and flood risk have been satisfactorily addressed; and the Sequential and Exception Tests have been undertaken and are satisfactory;
 - (b) the site is not subject to any specific ecological, landscape or heritage designations; and, subject to the incorporation of appropriate ecological mitigation measures, there are no significant ecological or biodiversity issues which would prevent the development of the site;
 - (c) the town of Aylesbury is the most sustainable location within the district to accommodate growth; and the town centre offers a broad range of facilities and services;
 - (d) the development plan comprises saved policies in the Aylesbury Vale District Local Plan to 2011; the South East Plan (save for two policies of no relevance to the appeal) was revoked on 25 March 2013; both the draft Core Strategy and the draft Vale of Aylesbury Plan have been withdrawn; and the replacement Vale of Aylesbury Local Plan is in the early stages of preparation such that little weight can be attributed;
 - (e) a 5 year supply of deliverable housing sites against an objective assessment of housing need cannot be demonstrated; the housing provisions of the development plan are out of date/the Aylesbury Vale District Local Plan is time expired; and the proposal falls to be considered in terms of paragraph 14 of the National Planning Policy Framework (the 'Framework') and the presumption in favour of sustainable development;
 - (f) any contribution of the appeal proposal to the 5 year housing supply would be a material benefit; similarly in respect of the contribution to objectively assessed needs; and the provision of affordable housing, in a district where the needs are acute, would also be a positive benefit;
 - (g) the proposal is acceptable in terms of air quality, archaeology, biodiversity (with a net gain), climate change, contamination, drainage, flood risk, ground conditions, noise, retail impact, residential amenity and utilities provision or could be addressed either through the submission of reserved matters or by the imposition of planning conditions;
 - (h) it is unlikely that the proposal would have any adverse effects on the Birtton Conservation Area (including its setting and views towards it) or on nearby listed buildings; and
 - (i) the appeal is not premature as there is no emerging Local Plan at a sufficiently advanced stage.

¹⁷ CD2.6

Housing

- 1.25 A Statement of Common Ground, between the same parties, on housing land supply, based on the Council's Five Year Housing Land Position Statement: June 2014 (dated 7 October 2014),¹⁸ provides further detail in relation to paragraph 1.24(e) above.
- 1.26 However, this was updated to take account of the later position statement in October 2014 (dated 6 November 2014).¹⁹ In this regard: -
- (a) the Council's position statement calculates a district wide housing land supply of 4.3 years (2014-2019) which is derived from the 2011 DCLG²⁰ Interim Household Projections;
 - (b) Hallam does not agree that this approach is consistent with the Framework as such projections are no more than a '*starting point*';
 - (c) although it is agreed that, when considering past delivery, a 20% buffer should be applied, the basis for calculating any shortfall for earlier years is in dispute; and
 - (d) in terms of deliverable sites there is an arithmetic difference of some 296 dwellings which would have the effect of reducing the Council's assessment of a 4.3 year supply at March 2014 to 4.1 years.
- 1.27 The above was superseded by a further Housing Statement of Common Ground,²¹ with the key elements as follows: -
- (a) a new homes requirement of 1,326 units per annum (excluding vacant homes and buffer);
 - (b) total Housing Land Supply as at April 2015 is 8,051 units;
 - (c) the 5 year supply at April 2015 is 5,391;
 - (d) on the Council's approach, applying a 3.8% vacancy rate and a 20% buffer, the current position is that there is an estimated 3.1 years of supply; and
 - (e) the residual requirement for the period 2013 - 2033 would be 16,759 units.
- 1.28 The statement also records disagreement on the base date for assessment of the 5 year supply (whether it should be 2012 or 2013); with the difference amounting to 0.2 years (i.e. 2.9 and 3.1 years). In this regard, the Council prefers the later date to coincide with the plan period for the emerging Vale of Aylesbury Local Plan (2013 – 2033); with the appellant favouring the former as the DCLG projections are '*2012-based and project forward 25 years from 2012 (base year) to 2037*'.

Highway Matters

- 1.29 At the opening of the Inquiry the preparation of a Statement of Common Ground on highway matters remained outstanding. Highway statements and rebuttals, prepared in isolation, demonstrated a clear lack of co-

¹⁸ CD2.7(a)

¹⁹ CD2.7(b)

²⁰ Department for Communities and Local Government

²¹ CD2.14 (with particular reference to paragraphs 2.9, 5.4 & 5.5; and Tables 1 – 4)

ordination and understanding. A guidance note invited the parties to prepare a Statement of Common Ground, preceding the hearing of highways evidence, and to review and revise the material already submitted.²²

1.30 A Statement of Common Ground was released on 8 January 2015 (after normal working hours) and up-dated proofs/rebuttals were issued on the day preceding the resumption of the Inquiry on 13 January.²³ The lateness of the material caused the Inquiry to be adjourned.²⁴ A transport action plan, agreed by Hallam and Buckinghamshire County Council, identified outstanding work and a timetable for resolution.²⁵ The process had the effect of substantially narrowing the differences between the parties, expressed through a series of Statements of Common Ground.²⁶

1.31 The final version confirms: -²⁷

- (a) *'it is agreed that the site is in a location that is accessible by sustainable modes of transport subject to the improvements that are set out indicatively on drawings 14-042-107 and 14-042-108, and 14/042/120C Revision A and appropriate public transport contributions';*
- (b) agreement in principle on the layout of the roundabout junction of the Main Link Road with the A413;
- (c) the connection between the Main Link Road and the A418 should be signal controlled; and that the layout should incorporate direct access to the A418 from the existing frontage dwellings (Drawing No 14/042/120C Revision A); and
- (d) land would be safeguarded within the north-eastern part of the site to enable future connection of the Main Link Road to any future proposals for a Northern Link Road (connecting the A413 to a point to the north-east of Bierton).

1.32 In terms of the highway network it is agreed: -²⁸

- (a) *'in terms of overall network performance, the site results in a reduction in the average travel time across the entire road network modelled';*
- (b) *'it has little adverse effect on corridor journey times, with the A418 Bierton Road being the only corridor noticeably affected';*
- (c) *'key junction impact is reduced compared to the Do Minimum scenario on all corridors apart from the A418 Bierton Road as a result of the proposals. The total impact on key junctions indicates an overall reduction in delay when compared to the Do Minimum scenario';*
- (d) *'all of the Air Quality Management Areas show a reduction in average junction delays with the development in place';*

22 X5
23 CD2.9
24 X7
25 CD2.10
26 CD2.12; CD2.13; CD2.16
27 CD2.16 paragraphs 5.9 & 6.1 – 6.4
28 CD2.16 paragraph 7.2

-
- (e) *'the proposals would not have an adverse impact on the extent of the A413 corridor covered by the TRANSYT model'; and*
 - (f) *'the A418 through Bierton operates within capacity under 2021 baseline and with development traffic flows'.*

1.33 As to the junctions where increased movements would occur, the following matters are agreed: -²⁹

- (a) A418/Douglas Road/Elmhurst Road (A4157) roundabout- mitigation by part signalisation;
- (b) Bierton Road/Park Street/Cambridge Street junction – mitigation by installation of traffic signals;
- (c) A41/Griffin Lane junction – mitigation by traffic signals;
- (d) Oakfield Road/A41/King Edward Avenue signals – increased impact would not be severe and no mitigation required (although *'a simple change to road markings at the junction would improve capacity'*);
- (e) Park Street/Stocklake/Vale Park Drive roundabout would continue *'..... to operate with degrees of saturation below 90% and therefore no improvement required'*; and
- (f) A418/Eastern Link Road Junction and the Stocklake/Douglas Road signals *'would operate within capacity the Oakfield Road approach to the Stocklake/Douglas Road signals has a slightly increased degree of saturation of 94%. However, the queue length on this link reduces from 30 to 27 vehicles. The impact is therefore not severe and no changes to the junction are required'.*

The development plan

1.34 The development plan consists of the saved policies in the Aylesbury Vale District Local Plan (January 2004).³⁰ Policies referred to during the course of the Inquiry, and in the written evidence, include: -

- (a) Policy GP.2: affordable housing;
- (b) Policy GP.35: design of new development;
- (c) Policy GP.38: planting and soft landscaping;
- (d) Policy GP.39: retention of trees and hedgerows;
- (e) Policy GP.40: retention of trees and hedgerows;
- (f) Policy GP.45: measures to assist crime prevention;
- (g) Policy GP.86: outdoor playspace;
- (h) Policy GP.87: equipped play areas and sports fields;
- (i) Policy GP.88: financial contributions for offsite play spaces;
- (j) Policy GP.90: financial contributions for indoor sports facilities;
- (k) Policy GP.91: provision of informal amenity space; and
- (l) Policy GP.94: provision of community facilities.

²⁹ CD2.16 paragraph 9.1; Appendix A paragraphs 4.2 – 4.7, 5.1 – 5.5 (and related Tables); Appendix B paragraphs 3.1 & 3.2

³⁰ CD3.3

Main Considerations

1.35 The preliminary main considerations identified at the opening of the Inquiry were: -³¹

'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 taken as a whole having particular regard to: -

- (a) housing need and supply;*
- (b) the impact of the proposal on the character and appearance of the landscape of the site and its surroundings;*
- (c) the effect on the setting, identity and historic context of adjacent settlements;*
- (d) the impact on best and most versatile agricultural land;*
- (e) would the absence of employment land in the mix of uses be inherently unsustainable;*
- (f) whether the development, either individually or cumulatively, would have an adverse impact on the highway network; and whether the project would promote sustainable transport or fulfil the strategic objectives of reducing congestion, inconvenience and hazards on the local highway network;*
- (g) can the provision of appropriate community facilities to serve the development be secured by condition or obligation;*
- (h) would the development exacerbate surface water flooding in Watermead; and*
- (i) whether, on balance, the proposal would amount to sustainable development having regard to the three dimensions of sustainable development set out in paragraph 7 of the National Planning Policy Framework'.*

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2. The Case for Aylesbury Vale District Council

Introduction

Planning history

- 2.1 The appellant submitted an outline planning application in February 2013 for development identical to the appeal scheme. It was made without pre-application engagement with either the local planning authority or the highway authority; and community involvement was limited to a single half-day public exhibition in Aylesbury. The planning application was subsequently refused for 9 reasons, substantially relating to inadequate information provided. Notice of appeal was given in December 2013.³²
- 2.2 The application the subject of this appeal was also submitted in December 2013 and, whilst approaches were made to some consultees, no attempt was made to discuss matters with either the District Council or the highway authority; and no additional consultation was undertaken with the community. Although this application addressed some of the information deficiencies of the first, fundamental issues remained and the application was refused in April 2014. An appeal was lodged and linked with the earlier appeal which was then withdrawn.³³

Planning policy

- 2.3 The development plan comprises the saved policies of the Aylesbury Vale District Local Plan. As the plan has an end date of 2011 the approach outlined in paragraph 14 of the Framework is to be followed.³⁴
- 2.4 Two saved policies are particularly relevant to the appeal proposal. Policy GP.35 relates to the design of new development having particular regard to the characteristics of the site and its surroundings. The policy is relevant and consistent with the Framework (notably paragraphs 58 and 64).³⁵
- 2.5 Policy RA.2 states that new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements. The purpose is to maintain the individual identity of villages and to avoid coalescence between settlements. The policy is consistent with the Framework (paragraphs 17 and 58), for development to respond to local character and history and to reflect the identity of local surroundings, and should be afforded significant weight.³⁶

³² AV/4/1 paragraphs 2.23 - 2.32

³³ AV/4/1 paragraphs 2.33 - 2.36 & 3.47

³⁴ AV/4/1 paragraphs 3.1 - 3.2

³⁵ AV/4/1 paragraphs 3.7 - 3.11

³⁶ AV/4/1 paragraphs 3.12 - 3.16

The first main consideration: housing land supply

2.6 The Council accepts: -

- (a) the Aylesbury Vale District Local Plan is out of date;
- (b) the authority does not have an up-to-date housing requirement figure;
- (c) the emerging Vale of Aylesbury Local Plan has not, as yet, established a figure which represents full objectively assessed need; and
- (d) the authority cannot demonstrate a 5 year supply of available housing land.

Thus, paragraph 14 of the Framework is engaged.

2.7 At the beginning of the Inquiry, the Council sought to identify a balance between housing need and supply based on the 2012 Household Projections published by the Department for Communities and Local Government. However, this has been overtaken by the publication of the final output of the Aylesbury Vale Housing and Development Needs Assessment (HEDNA), Initial Assessment of Housing Need in Aylesbury Vale and the subsequently agreed position.³⁷

The HEDNA outputs

2.8 The HEDNA work has indicated, for decision-making purposes, an interim figure for objectively assessed need for the district of some 1,300 dwellings per annum.³⁸ Subsequent adjustment will need to be made following consideration of the wider housing market; consultation, engagement and testing; and any '*policy on*' factors to arrive at the figure that the Council will ultimately plan to accommodate within the district through its emerging local plan. However, the HEDNA outputs are considered to represent the best available evidence of the district's objectively assessed housing need for the purposes of determining this appeal.

2.9 Although the Council and the appellant differ on the base date for the assessment of the 5 year supply (i.e. whether it should be 2012 or 2013), and, thus, whether the supply is 2.9 or 3.1 years, the difference of 0.2 years³⁹ is not material for the purposes of paragraphs 49 and 14 of the Framework; or to the Council's judgment as to the overall planning balance.

2.10 The Council's case therefore reflects a planning judgment which includes a recognition that it is substantially short of a 5 year supply, and consequently attributes significant weight to the benefits of the additional housing that is likely to be delivered in that period.

Housing delivery

2.11 In terms of the short term balance of need and supply, the Council estimates that the proposed scheme would be unlikely to deliver any units

³⁷ CD3.112; CD2.7(b)

³⁸ AV/4/19 paragraph 1.47

³⁹ CD2.14, paragraph 5.5 & Table 3

- in the first 3 years following the grant of permission;⁴⁰ and, thereafter, some 150 units in year 4 and around 200 in year 5.
- 2.12 This is to be set against an '..... *exceptionally large number of outstanding planning permissions*',⁴¹ generally on large urban extension sites. In this regard, out of a district-wide total deliverable supply of 8,051 units,⁴² over 4,500 are accounted for by 4 permitted urban extensions (awaiting construction or the residue of ongoing development) located on one side of Aylesbury comprising: - Berryfields (1,770); Kingsbrook (2,450); Berryfields House (123); and Weedon Hill (47).⁴³
- 2.13 Although the housing strategy for Aylesbury, in the Aylesbury Vale District Local Plan, was based on major development areas on the edge of the town, large schemes, inevitably, have longer build-out periods; some of the allocated sites were caught at a later stage by the effects of the recession;⁴⁴ completion rates fell below the ongoing grant of planning permissions; and the level of total commitments (or unimplemented planning permissions) has exceeded 7,300 in every year since 2007.⁴⁵ On this basis, it is considered that the shortfall was a market led phenomenon and not an indicator of a shortage of supply.
- 2.14 Moreover, there is nothing to suggest that the grant of planning permission for another urban extension as proposed, in the same 'sector' of the town as ongoing major schemes, would bring significant benefits in terms of enhanced choice and competition.
- 2.15 It is relevant to note the interest arising (during the course of the Inquiry) for a number of potential major proposals for other sites on the edge of Aylesbury, which would bring a better prospect of competition and choice, namely: -
- (a) consultation on an employment led development, including up to 1,100 houses, at Aylesbury Woodlands;
 - (b) pre-application discussions for a revised application, including up to 3,000 homes, on land at Hampden Fields;⁴⁶ and
 - (c) new proposals for a mixed use scheme with up to 400 dwellings at Aston Clinton Major Development Area.
- 2.16 Whilst there can be no certainty that planning permission will follow for any of the above projects, the overall impression gained is of a settlement where there are a number of competing opportunities for the delivery of very substantial numbers of new homes.

⁴⁰ AV/2/4 (Appended to AV/4/19)

⁴¹ AV/4/19 paragraph 1.48; CD5.34 paragraph 73

⁴² At May 2015 (CD2.14 Table 1)

⁴³ CD3.118

⁴⁴ Weedon Hill – outline planning permission in 2003 (850 units) with first completions in 2007/8; Berryfields – outline planning permission in 2004 (3,000 units) with first completions in 2010/11

⁴⁵ CD3.111 Table 2

⁴⁶ The original application was dismissed on appeal on the sole ground of a specific transport issue

- 2.17 Even if the Secretary of State were to form the view that the appeal site was, in principle, appropriate for housing development, the scheme itself has a number of shortcomings which are explained below.

The second main consideration: landscape

Planning policy

- 2.18 Policy GP.35 of the Aylesbury Vale District Local Plan has been established beyond reasonable doubt as relevant to the consideration of outline planning applications;⁴⁷ and the appellant takes no issue that it is consistent with the Framework and it should carry full weight.⁴⁸
- 2.19 The protection and enhancement of '*valued landscapes*' is part of the environmental role of sustainable development; and it is clear that a landscape can be considered to be of value even though it is not a formally designated landscape.⁴⁹ Factors of relevance include local perception and the role of land in providing separation from other settlements and reinforcing community identity.⁵⁰
- 2.20 It is clear, from the many representations received, that local people do value the rural landscape of which this site forms part, not least because of its proximity to their homes, and the public footpaths across and alongside the site which give access to it. This includes the role of topography in providing visual containment to the settlement; and a sense of place and time-depth. These factors are relevant to the weight to be attached.⁵¹

Planning History

Aylesbury Vale District Local Plan

- 2.21 Two parts of the appeal site were considered as '*counter-proposal sites*': -⁵²
- (a) in relation to land within the north-western part of the appeal site, the Inspector came to the view that '*development would represent a significant extension into open countryside, with the most tenuous of links to the existing built-up area*' – nothing has changed and it is to be noted that there is effectively no inter-visibility between the houses to the east (in Bierton) and those to the west (in Watermead) which overlook the site; and
 - (b) land within the south-western part of the appeal site where the Inspector acknowledged the role of the site in helping to maintain the separate identities of Aylesbury and Bierton; and the impact of development on the open countryside.⁵³

⁴⁷ CD5.35 (DL 13; IR 157-162); CD7.14 (DL 13; IR 9.141-9.144)

⁴⁸ CD4.1 (with particular reference to paragraph 17 (bullet 5); paragraphs 56, 58 & 61)

⁴⁹ CD4.1 paragraph 109; CD5.35 (DL 11; IR 138-139 & 153); CD6.10 paragraphs 5.19 & 5.26-5.32

⁵⁰ CD7.14 (IR 9.90-9.91 & 9.458)

⁵¹ CD6.10 paragraphs 2.11 & 5.7 - 5.10

⁵² AV/1/1 paragraphs 156 - 176; AV/4/1 paragraphs 2.1 - 2.10; AV/4/4; CD3.88 paragraphs 6.23.8, 6.23.9 & 12.35.4

⁵³ AV/1/1 paragraph 166

Core Strategy – Inspector's Interim Report

- 2.22 The Core Strategy Inspector, in considering a range of major development sites around Aylesbury,⁵⁴ referred to a larger area of land, which included the appeal site as follows: - *'..... the North East site (C)⁵⁵ to be the most sensitive Views towards the town from the north, including the Weedon ridge, would be significantly affected by the encroachment of development on the north facing slopes away from the edge of Bierton. The extent of new building across the attractive rolling countryside would be a significant disadvantage of the scheme'*.
- 2.23 Although the current proposal relates to a smaller area of land, it would, nonetheless, have the effect of extending built development on to the open north facing slopes away from Bierton and cause significant harm to the same area of attractive rolling countryside.

Landscape Character Assessments

(a) National character

- 2.24 The appeal site lies within National Character Area 108: Upper Thames Clay Vales. Woodland cover is generally sparse (approximately 3%) but hedgerows and mature field and hedgerow trees are a feature. The study sets out *'Statements of Environmental Opportunities'* including: -
- (a) the need to ensure that future development is designed to contribute positively to landscape character, focusing on local distinctiveness and being sensitive to setting;
 - (b) the provision of new woodlands and tree screens into development as appropriate, taking care not to detract from the open landscape character of the character area; and
 - (c) to provide green infrastructure links between town and country.⁵⁶

(b) Regional character

- 2.25 The Landscape Plan for Buckinghamshire (part 1) forms Supplementary Planning Guidance with the aim of protecting and enhancing landscape character and informing planning policy and development management decisions.
- 2.26 The appeal site is located within Landscape Character Zone *'Northern Clay Vale'* (Z5). Its key features include: - *'low gently undulating clay farmland; agricultural improvements with degradation of hedgerows and loss of hedgerow trees; edge of Aylesbury intrusive in agricultural landscape; woodland cover approximately 4%; attractive views to surrounding high ground'*.⁵⁷
- 2.27 The priorities for the zone include: - *'establishing medium and large areas of new woodland; enhancing the landscape on the northern edge of Aylesbury; and conserving ridge and furrow and associated remains of deserted settlements'*.⁵⁸

⁵⁴ AV/1/1 paragraphs 177 – 183

⁵⁵ Area C did not extend as close to the housing in Bierton as is proposed in the appeal scheme

⁵⁶ CD6.19; AV/1/1 paragraphs 31 - 36

⁵⁷ AV/1/1 paragraphs 37 - 46

⁵⁸ CD1.9 paragraph 4.8

(c) Local character

- 2.28 The Aylesbury Vale Landscape Assessment identifies the site as straddling Landscape Character Area 8.6: Hulcott Vale and Landscape Character Area 9.11: Bierton Ridge. The higher ground of Landscape Character Area 4.15: Weedon Ridge lies approximately 200 - 300 metres to the north of the appeal site; and Landscape Character Area 4.14: Wingrave-Mentmore Ridge is some 2 kilometres to the north-east.⁵⁹

*Hulcott Vale Landscape Character Area*⁶⁰

- 2.29 The Hulcott Vale Landscape Character Area, which covers the northern two-thirds of the site, is described as: - *'An extensive area of low lying vale landscape predominantly in pastoral use access by Rights of Way is extremely limited The river Thame runs across the Vale, between the Weedon Ridge to the north and the Bierton Ridge to the south. This part of the LCA has a more remote character and a greater sense of visual containment and the predominant characteristics of open arable fields and clipped hedgerows. The area is overlooked in long distance views from the surrounding area'*.
- 2.30 Key characteristics include: - *'Parliamentary enclosure fields; and a low level of woodland cover'*. Listed amongst the intrusive elements are: - *'the suburban edge of Aylesbury/Bierton; and traffic on the A413'*.
- 2.31 The landscape as a whole is recorded to be in moderate condition; and the conclusion is reached that the sensitivity of the landscape is low: - *'The landscape is distinctive in character and the historic associations are reasonably well expressed in the field patterns and drainage networks. Overall the sense of place is moderate. The topography is insignificant due to the flat character of the Vale which, combined with the intermittent nature of the tree cover and concentration of hedgerows, gives a low degree of visibility'*.
- 2.32 The assessment concludes that the character of the area should be enhanced and reinforced by listing guidelines which include: - *'creating new blocks of woodland to enhance the landscape structure and to screen suburban edges and road corridors'*.

*Bierton Ridge Landscape Character Area*⁶¹

- 2.33 For the Bierton Ridge Landscape Character Area, containing the southern third of the appeal site, the landscape character is noted to be: - *'Small area comprising a single low ridge rising above the Vale landscape and dominated by the large village of Bierton strung out along the A418. The settlement lies mainly on the southern flank of the ridge. The village is surrounded by a distinct historic pattern of small fields or closes defined by hedges Bierton experiences heavy traffic flows through the village which affect the quality of life'*.
- 2.34 This is supplemented by a description of topography, land use and settlement with the ridge some 20 metres higher than the vale *and the 'strong pattern of narrow strip fields perpendicular to the line of the A418 most*

⁵⁹ AV/1/1 paragraphs 47 - 54; CD1.9 Appendix 8 Figure 1

⁶⁰ AV/1/1 paragraphs 55 - 80

⁶¹ AV/1/1 paragraphs 81 - 104

strongly developed to the north of the settlement'. It is also noted that there are no distinctive blocks of woodland, albeit there are sections of hedge and groups of mature trees.

- 2.35 The key characteristics are: - *'narrow strip fields; ribbon development along A418 corridor; and predominant use of land for grazing'. 'Ridge and furrow' is recorded as a distinctive feature; and 'intrusive elements' include traffic on the A418.*
- 2.36 The landscape, generally, is assessed as being in good condition with the pattern of strip fields being a distinguishing feature of the landscape; and the suburban fringe of Aylesbury being a *'detracting'* feature. The continuity of the field pattern also contributes to a sense of place. It is noted that topography *'..... is not a dominant physical characteristic. Visibility overall is moderate, however, this is a combination of the contained views at (the) top of the ridge and the long distance views over the Thame valley from lower down the northern face of the ridge'*. The conclusion is reached that the landscape has moderate sensitivity.
- 2.37 The landscape guidelines include the conservation of the historic field pattern; the creation of new woodland copses; the conservation of the historic qualities of Bierton (and Hulcott), and to encourage the preservation of ridge and furrow by maintaining a continuous grass sward.

*Weedon Ridge Landscape Character Area*⁶²

- 2.38 This is a small, well-defined, area comprising a single small ridge (45 metres above the River Thame) topped by the village of Weedon. The sensitivity of the character area is recorded as high with *'.....a high degree of visibility with long distance views from the ridge over surrounding countryside'* being a contributing factor.

*Wingrave-Mentmore Landscape Character Area*⁶³

- 2.39 Of relevance to the proposal, the significant elements of this character area are the views over the vale landscape from the village of Wingrave.

Aylesbury Vale Environmental Character Assessment⁶⁴

- 2.40 Although this study has been superseded by the Aylesbury Vale Landscape Character Assessment, it provided finer detail by dividing the Hulcott Vale into 4 sub-areas. The appeal site occupies the western half of sub-area 4A (Thame Vale) which differs by degree, in some elements, from the wider landscape character area. Notably, whilst tree cover in the wider area is *'intermittent'*, the sub-area was assessed as being open with visibility assessed as high resulting in overall moderate sensitivity.

⁶² AV/1/1 paragraphs 105 - 108

⁶³ AV/1/1 paragraphs 109 - 114

⁶⁴ AV/1/1 paragraphs 115 - 123

Aylesbury Vale Areas of Sensitive Landscape⁶⁵

- 2.41 Whilst this study has also been overtaken by the withdrawal of the Core Strategy, its evidence base remains relevant – notably, that the appeal site lies within 2 areas which were assessed as being within the top 50% of the areas of sensitive landscape identified in the study.

Assessment of the Landscape and Visual Impact of Potential Development Areas around Aylesbury⁶⁶

- 2.42 This suite of documents was commissioned to inform the preparation of the (withdrawn) Core Strategy. The study considered 8 potential development areas around Aylesbury (7 distinct areas with one having alternative layout arrangements). The appeal site (approximately 120 hectares) lies within 'Area C' (450 hectares) and a number of the findings apply with greater or lesser extent to the appeal proposal.
- 2.43 Although smaller and confined to the western part of 'Area C', the appeal site would be viewed from the Weedon ridge with an adverse effect on an intrinsically rural landscape character; and the loss of small scale narrow fields and the associated extensive patterns of enclosing mature hedgerows.

Relevant appeal decisions⁶⁷

- 2.44 In the Quarrendon Fields appeal (up to 1,380 dwellings) the Inspector, amongst other things, endorsed the relevance of the Landscape Character Assessments; she found that the pattern of hedgerows, although retained, would be diminished by built development; acknowledged the importance of securing natural defensible boundaries; and criticised the impact of heavy, uncharacteristic woodland planting. Such comments would be similarly applicable to the current appeal proposal.
- 2.45 At Valley Farm, the Inspector found that the relationship of built development to a number of existing houses would '*..... represent an inordinate and unfortunate change to their outlook this cumulative intrusion increases the weight accorded to this objection appreciably the landscape proposals in both the short and longer term would be most unlikely to achieve the desired effect, as promulgated by the appellants*'. In the case of Watermead, some 120 dwellings have garden boundaries with, or overlook, the appeal site; and the likely effectiveness of planting to mitigate impacts, similarly, merits consideration.

The appeal proposal

- 2.46 The Design and Access Statement is founded on the principles of the site lying adjacent to the urban edge of Aylesbury and the influence, to varying degrees, of its urban fringe and transport routes. However, whilst the western and southern edges of the appeal site abut the existing edges of

⁶⁵ AV/1/1 paragraphs 124 - 137

⁶⁶ AV/1/1 paragraphs 138 – 156; CD3.46; CD3.47; CD3.84

⁶⁷ AV/1/1 paragraphs 184 - 219

- Aylesbury and Birtton, the transition to countryside, other than in the vicinity of the allotments on the north-western side of Birtton Road, is abrupt. Similarly the effects of the A413 and the A418 are localised with the vast majority of the site being unaffected by the influence of these transport corridors.⁶⁸
- 2.47 The Design and Access Statement also records that the appeal site *'like Aylesbury, sits on the gentle valley slopes above the River Thames*'; however, much of the built up area of the town lies on the valley floor. Of further note is the characterisation of the appeal site being in *'intensive'* agricultural use; but the agricultural use is typical of the majority of arable and pastoral fields in the wider landscape.⁶⁹
- 2.48 The development has been designed on the premise that *'the site is largely contained by the urban form of Aylesbury to the west at Watermead. New built development should be located close to the existing urban edge so that development is seen as an extension to Aylesbury'*.⁷⁰ However, less than 25% of the boundary of the site abuts Watermead and whilst part of the site borders Birtton, the majority abuts open countryside.
- 2.49 It is also telling, from the eastern parts of the site, that Aylesbury itself is not visible, thus removing the intended association with the town. Moreover, in physical terms, with limited connectivity between the site and Watermead, based on 2 proposed footpath connections, the new residential area and related facilities would not be well connected.⁷¹
- 2.50 Although the proposed development would, to the extent identified above, be contiguous with Watermead and Birtton, it would lack a sense of place as the effect of physical coalescence would blur clear association with one settlement or the other.⁷²
- 2.51 Mitigation measures also form a component of the scheme's iterative design in order to address landscape and visual issues. However, the Guidelines for Landscape and Visual Impact Assessment call for caution:-⁷³ *'Mitigation measures can sometimes themselves have adverse effects on landscape or visual amenity they should be designed to fit with the existing character of the landscape where this is a desirable landscape objective They should also respond, where possible, to landscape objectives that may have been set in development or management plans or strategies for the area'*.⁷⁴
- 2.52 The mitigation measures include a corridor of greenspace between Watermead and the proposed development which would impinge on existing outward rural views. The intention to minimise the impact on Birtton would be undermined by development facing on to the A418 and wrapping around and behind existing dwellings.⁷⁵

⁶⁸ AV/1/1 paragraphs 229 - 234

⁶⁹ AV/1/1 paragraphs 235 - 238

⁷⁰ CD1.8 page 44

⁷¹ AV/1/1 paragraphs 239 - 258

⁷² AV/1/1 paragraph 259

⁷³ CD6.10 paragraph 4.29

⁷⁴ AV/1/1 paragraphs 260 - 266

⁷⁵ AV/1/1 paragraphs 267 - 269

- 2.53 Moreover, the aim to use the higher land within the site for greenspace, so as to strengthen the sense of separation, would be compromised by built development rising up and over the high ground of the Bierton ridge spur with new buildings sited on land which is only some 3 metres lower than the highest parts of the site. Thus, new built form would be clearly visible from all of the dwellings in Bierton which currently overlook the site.⁷⁶
- 2.54 The further intention to contain the effect of built development '..... by a continuous perimeter framework of new landscape habitats (in) the form of woodland, hedgerow and tree cover' would see the introduction of uncharacteristic dense and continuous planting which would be atypical of the key landscape characteristics of the area and the related guidelines.⁷⁷

Landscape and Visual Impact Assessment

Shortcomings

- 2.55 The assessment prepared on behalf of the appellant is not reliable because:-
- (a) the individual undertaking the assessment was heavily involved in the design of the scheme being assessed;
 - (b) there was a lack of engagement with the local planning authority and the general public and the material prepared contained a number of errors;⁷⁸
 - (c) the photomontages did not mirror the intention to erect buildings up to 12.0 metres in height across the site;⁷⁹ and
 - (d) the photomontages were produced without prior agreement of representative viewpoints;⁸⁰ they provide no understanding of the proposal from within the Zone of Theoretical Visibility; and no indication of the appearance of the proposed woodland planting.
- 2.56 Nonetheless, the photomontages illustrate that the existing rural landscape would be very substantially (and adversely) changed by the proposal; and, notwithstanding extensive woodland planting, the development would be clearly and starkly visible from the Weedon ridge to the north of the site.⁸¹
- 2.57 Specific mention is made of the Viewpoint V wire frame montage (public footpath north of Grendon Hill Farm Cottages) and the associated Agreed Position Statement which confirms that the proposed development would extend along much of the skyline when viewed from this location. However, the montage does not show the extent to which the proposed development would spill down the ridge spur towards the viewer in views from the higher ground to the north.⁸²

⁷⁶ AV/1/1 paragraph 270

⁷⁷ AV/1/1 paragraphs 271 - 276

⁷⁸ CD1.8 page 87 (part of the site was omitted in the material prepared for the public exhibition)

⁷⁹ CD1.8 page 92

⁸⁰ CD6.10 paragraph 8.16

⁸¹ HL1/2 pages 35 – 38, 41- 44, 47 - 50, 53 - 56 & 60 - 62

⁸² HL/1/10

Landscape effects

- 2.58 The appellant's landscape character assessment is distorted by the characterisation of the appeal site as *'intensively farmed'* and under the *'urbanising influences'* of the adjoining built-up areas. On the latter, the mere fact that an existing settlement can be seen from the open countryside is not to say that it has an urbanising influence. Moreover, the consequence of seeking to downgrade the value of the countryside, where it is close to settlements, undervalues the very areas which are of the greatest amenity benefit to the greatest number of people.⁸³
- 2.59 The assessment also identifies Evelyn's Patch, a small area of woodland, as a particular feature of the landscape. However, it is some 500 metres to the north of the appeal site and within a landscape characterised by a distinct absence of woodland. In addition, the characterisation of the Weedon ridge as having aspect over *'the extensive urban area of Aylesbury that sits within the valley'* does not apply to the outlook from many of the properties on the southern side of the ridge which have a very limited aspect of Aylesbury in a wide panoramic view.⁸⁴
- 2.60 Whilst the conclusions on the existing baseline point to variations in landscape sensitivity, with low sensitivity adjacent to the urban edge, it is evident that the landscape is valued and worthy of conservation and enhancement. Although it lacks formal designation, the Guidelines for Landscape and Visual Impact Assessment confirms: - *'the fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value'*. Indeed, the level of opposition to the proposal shows the value that local residents attribute to this landscape.⁸⁵
- 2.61 The Aylesbury Vale Landscape Character Assessment concluded that the sensitivity of the landscape of the Bierton Ridge Landscape Character Area was moderate; but, in comparison, the appellant judges it to be *'medium-low'* on the mistaken premise of the claimed impact of the urban edge. It follows that the judgement on the ability of the landscape to absorb new urban development is similarly misplaced.⁸⁶
- 2.62 Moreover, given the acknowledgement that the type of development proposed would result in *'an inevitable disruption and change in the landscape'* where *'fields will be permanently lost'* the conclusion of *'a medium-high adverse magnitude in landscape change'* cannot be reconciled. As the appeal site occupies roughly half of the Thame Vale Landscape Character Sub Area, the more logical conclusion would be a *'high adverse'* magnitude of effect.⁸⁷
- 2.63 In terms of the impact of the proposal on the wider landscape, the development would spill eastwards over the Bierton ridge spur in a way that would make it visible to most of the remainder of the Landscape Character Sub Area and those parts of the Weedon ridge which currently

⁸³ AV/1/1 paragraphs 277 - 294

⁸⁴ AV/1/1 paragraph 295; AV/1/2/6

⁸⁵ AV/1/1 paragraphs 299 – 301; AV/4/1 paragraph 4.25

⁸⁶ AV/1/1 paragraphs 302 - 305

⁸⁷ AV/1/1 paragraphs 306 - 312

overlook the valley from the north. Moreover, the scale and nature of the uncharacteristic boundary planting, and the form, function and urban activity associated with the proposed parks, would combine with the built development so as to permanently change the character of the sub area. On this basis, the landscape character impact on the Thame Vale Landscape Sub Area and on the Hulcott Vale Landscape Character Area as a whole would be *'high adverse'*.⁸⁸

- 2.64 The proposed development would, similarly, be visible from parts of the Weedon Ridge Landscape Character Area. Again, new buildings and heavy landscaping would be new components in the landscape character of this area resulting in a *'moderate/high adverse'* magnitude of effect on the setting of the Weedon Ridge Landscape Character Area.⁸⁹
- 2.65 Overall, at year one following the completion of the development, the significance of the impact on the receiving landscape would be *'major/moderate adverse'* when measured against the existing baseline and, even with maturing planting, the impact would not be materially less at year 15. In terms of the wider landscape, the impacts on the Hulcott Vale and on the Weedon Ridge Landscape Character Areas, at years one and 15, would be *'moderate adverse'* and *'major/moderate adverse'* respectively.⁹⁰

Visual effects

- 2.66 The appellant's visual appraisal concludes that there would be *'no direct or significant views of the built development from the vast majority of the residents in the communities of Bierton, Weedon, Watermead, Buckingham Park, Aston Abbots, Rowsham and Hulcott'* and that *'..... the overall panorama of the valley landscape would not be affected to any significant degree such that it would lead to any unacceptable harm'*.⁹¹
- 2.67 However, the Council's assessment, with reference to the 23 representative viewpoints, shows only 2 conclusions in common with the appellant; and both of those relate to viewpoints from which the proposals would be essentially hidden from view. In this regard, the assessment supporting the proposal consistently underscores both *'sensitivity'* and *'magnitude of effect'* by assessing users of public rights of way as *'high-medium'* (accounting for 11 viewpoints) and in failing to set out a transparent methodology to determine the resultant impacts.⁹²
- 2.68 The Council's position, with clearly set out criteria, is that the proposed development would cause a significant adverse deterioration (i.e. *'high adverse'* magnitude of effect) in the view from 13 of the viewpoints (viewpoints B, D, I, J, K, L, M, N, O, Q, T, V and W); either a barely perceptible or no impact in the view from 5 of the viewpoints (viewpoints F, H, P, S and U); with the remaining 5 having adverse effects between these 2 extremes (viewpoints A, C, E, G and R).⁹³

⁸⁸ AV/1/1 paragraphs 313 - 318; AV/4/1 paragraph 4.27

⁸⁹ AV/1/1 paragraphs 319 - 321

⁹⁰ AV/1/1 paragraphs 354 - 362

⁹¹ AV/1/1 paragraphs 322 - 326

⁹² AV/1/1 paragraphs 327 - 350

⁹³ AV/1/1 paragraphs 351 - 353; AV/1/2/1

- 2.69 The Council's assessment of *'major adverse or major/moderate adverse'* impacts at 18 viewpoints is therefore a more appropriate basis to inform the decision. In this regard, major adverse impacts would be *'an effect considered very important in the decision process'* and a major/moderate effect as *'an effect that is considered material in the decision process'*.⁹⁴

The proposed woodland

- 2.70 The delivery of new woodland is agreed to be one of the appellant's main landscape objectives for the project.⁹⁵ Its stated purpose, in landscape terms, is said to be to assimilate the development within the wider valley landscape;⁹⁶ but, in both the Northern Vale and the Hulcott Vale Landscape Character Areas, a low level of woodland cover is characteristic of the landscape.⁹⁷
- 2.71 However, the appellant has sought to rely on the reference in the guidelines for the Berton Ridge Landscape Character Area to create *new 'woodland copses to generate visual interest by introducing local landmark features'*. There is a similar reference in the guidelines for the Hulcott Vale, which refers to creating new *'blocks of woodland to enhance the landscape structure and screen suburban edges and road corridors'*.
- 2.72 In this regard, it is evident that the introduction of any blocks of woodland should respect the general key characteristics of the landscape within which they are proposed. For the Hulcott Vale, this means maintaining the general character of *'low level of woodland cover'*. The encouragement to plant *'new blocks of woodland to enhance the landscape structure and screen suburban edges and road corridors'* relates to the existing settlement edge of Aylesbury and Berton, both of which, in this area, sit below the upper levels of the Berton ridge and associated ridge spur.
- 2.73 The Design and Access Statement characterises the woodland proposal as a *'strong perimeter landscape'*.⁹⁸ However, taking account of the insensitive relationship of built form to topography, the intended screening would not be achieved.⁹⁹ Overall, the proposed *'solution'* would not create a new woodland copse, but rather a large mass of tree planting which would be out of character with the landscape.
- 2.74 Clear parallels, with 2 schemes proposed by the same appellant, which were considered at the conjoined Inquiries, can be seen where the Inspector noted:- *'..... the 'containment' of the development would rely on a broad and 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 in form, and its depth and density would contrast with the characteristic landscape of the Northern Vale'*.¹⁰⁰

⁹⁴ AV/1/1 paragraphs 363 - 365 & comparison table (page 94); CD1.9, Chapter 8 paragraph 2.41

⁹⁵ CD1.9 paragraphs 8.24, 9.1, 9.10 & 9.11

⁹⁶ CD1.8 page 23

⁹⁷ AV/1/1 paragraphs 55 & 76; CD7.14 (IR 2.289(e)-2.290(e), 9.665, & 9.708-9.709

⁹⁸ CD 1.8 page 45

⁹⁹ HL/1/2 Photo Viewpoint Locations A, B, C, D, E & F1

¹⁰⁰ CD7.14 (IR 9.665)

- 2.75 The appeal proposals in this case demonstrate the same lack of sensitivity to existing landscape character and the crude approach in seeking to screen a proposed development which would be too much and in the wrong place.

The third main consideration: the setting, identity and historic context of adjacent settlements

Planning History

Aylesbury Vale District Local Plan – Policy RA.2

- 2.76 As indicated above, the Local Plan Inspector ruled out residential development on a narrow strip of land which forms part of the south-western part of the appeal site.¹⁰¹ It is common ground that: -
- (a) the appeal site occupies a far greater part of that important narrow neck of land than the earlier site;
 - (b) the Inspector's conclusion that development in this location would conflict with Policy RA.2 applies with even greater force to the appeal proposal;
 - (c) the objective of protecting settlement identity is consistent with the Framework looked at as a whole;¹⁰²
 - (d) the Local Plan Inspector considered that this narrow neck of land contributed to the form and character of Bierton;
 - (e) the Landscape and Visual Impact Assessment took no account of the above or the relevance of Policy RA.2 in understanding the function of this part of the landscape;¹⁰³
 - (f) limited weight had been given to the policy in the design of the scheme; and
 - (g) if the decision maker concludes that Policy RA.2 remains up-to-date and in accordance with the Framework, it would follow that neither the assessment, nor the design, of the project took account of the relevant policy and a Planning Inspector's earlier finding of conflict with it.
- 2.77 Policy RA.2 is relevant, up-to-date and applicable to the proposal. It is not a policy for the supply of housing to which paragraph 49 of the Framework applies, as *policies designed to protect specific areas or features, such as gaps between settlements which could sensibly exist regardless of the distribution of housing or other development* are excluded.¹⁰⁴ Moreover, whilst the development plan no longer provides sufficient housing land, the plan as a whole cannot be considered to be rendered out of date as this would be contrary to the approach in the Framework to maintain the primacy of the development plan.

¹⁰¹ Paragraph 2.21 above

¹⁰² CD4.1 (with particular reference to paragraphs 56, 58, 61 & 109)

¹⁰³ CD1.9 paragraph 3.5

¹⁰⁴ AV/4/1 paragraph 3.16 *South Northamptonshire Council v. SSCLG* [2014] EWHC 573 (Admin); CD5.24 paragraph 47

- 2.78 Aylesbury and Bierton each has a separate character and identity, aided by their remaining physical separation and the retention of intervening agricultural land. The following questions fall to be considered: -¹⁰⁵
- (a) would the proposal compromise the open character of the countryside between the 2 settlements? If so, the development should be resisted;
 - (b) is the gap between the settlements already small? If so, added importance attaches to resisting further erosion; and
 - (c) if it is found that the built up areas of these 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.

Value

- 2.79 Landscape is said to be important because it provides, amongst other things: -¹⁰⁶
- (a) a shared resource which is important in its own right as a public good;
 - (b) the setting for day to day lives - for living, working and recreation;
 - (c) a sense of place, and a sense of history, which in turn can contribute to individual and local identity; and
 - (d) continuity with the past through its relative permanence and its role as a cultural record of the past.
- 2.80 The landscape in the vicinity of the appeal site derives importance from the above factors. It has long been acknowledged as having a very significant role to play in the sense of place, sense of history and sense of identity for the settlement of Bierton. The narrow fields on the appeal site, particularly in the slender gap currently separating Aylesbury from Bierton, reflect a well-preserved historic character which links the landscape to the historic village settlement.¹⁰⁷ It is essential to understanding the sense of place that is important to Bierton, and to those who live and work there.
- 2.81 In this respect, the appellant agreed that the following elements are relevant in the consideration of whether a landscape was to be regarded as valued: -
- (a) if a landscape helps to maintain the separate identity of 2 settlements;
 - (b) if the topography of a site plays an important role in providing visual containment of a settlement from the countryside beyond;
 - (c) if a site's landscape character was important to the settlement that it adjoined, because of matters relating to its *'time depth'*; and
 - (d) those factors merit weight in judging whether it is a valued landscape (as opposed to, for example, a dog-walking amenity).
- 2.82 Each of the above applies and goes towards establishing that this is a valued landscape for the purposes of the Framework.

¹⁰⁵ CD3.3 paragraph 10.6

¹⁰⁶ CD6.10 paragraph 2.11

¹⁰⁷ CD6.10 paragraphs 5.7 - 5.10

Setting and identity

- 2.83 The design vision for the development includes: *'Successful integration with the existing communities of Watermead and Bierton will include enhanced connectivity by means of new walking and cycling routes, active community parks and green spaces'*. However, realisation of this aim would result in coalescence of these 2 separate communities.¹⁰⁸
- 2.84 The appeal site is clearly discernible as an area of open countryside providing clear separation between Aylesbury and Bierton and providing a rural setting to the village as part of its overall identity. The early dispersed farmsteads along Aylesbury Road have been supplemented with nineteenth cottages, around the junction of the main road with Brick Kiln Lane and Burcott Lane, and twentieth century development extending and infilling in both directions along the A418, northward into and around Great Lane and southward along the western side of Burcott Lane. As a consequence, historic boundaries have been masked and the linear form of the village has been compromised.¹⁰⁹
- 2.85 The Bierton Conservation Area appraisal records: - *'Gaps between development along the A418 provides (sic) views out into the surrounding landscape. This creates an important connection between the village and its rural setting On the fringes of the village where the built environment dissolves into the surrounding landscape, open space and vegetation, some of which is accessed or visible from public footpaths, plays a fundamental role in defining the character of the village'*.¹¹⁰
- 2.86 On the southern side of the A418, the gap between the town and the village has been reduced to a single field; and the gap on the northern side is made up of 4 characteristic narrow fields, one of which includes the Bierton Road allotments, which serve to maintain both the visual continuity of the historic settlement pattern and the physical and perceptual identity of the village.¹¹¹
- 2.87 The proposal would visually join Bierton village to Aylesbury with the impact compounded by development wrapping around the existing houses on the northern side of Aylesbury Road. This part of the village would, effectively, become part of Aylesbury, and there would be nothing in the journey along the A418 to provide any meaningful demarcation. In addition, the areas of countryside to be lost to formal and informal open space would further harm the setting of the village. Local concerns about further development along the A418 and the need to avoid coalescence are common themes. The settlement identity of Watermead is an added consideration taking account of its own identity and *'self-contained'* form derived in part from its rural setting and open land-uses to the east and north.¹¹²

¹⁰⁸ CD1.8 page 9; AV/1/1 paragraphs 220 - 226

¹⁰⁹ AV/4/1 paragraphs 4.39 - 4.43; AV/4.2; AV4.8

¹¹⁰ AV/4/1 paragraph 4.44; AV4/8 page 33

¹¹¹ AV/4/1 paragraph 4.45; AV/4/3; AV/4/17

¹¹² AV/4/1 paragraphs 4.46 - 4.52; AV/4/3; CD3.88; CD3.91

Historic landscape

- 2.88 One of the dominant characteristics of Aylesbury Vale is regular surveyed fields formed as a result of Parliamentary enclosure during the eighteenth and nineteenth centuries. The fields within the appeal site, apart from an area of meadow along the River Thame, were enclosed between 1780 and 1802 with some fields showing evidence of later, further, division. The County Landscape Characterisation indicates original Parliamentary enclosure to be declining rapidly.¹¹³
- 2.89 The historic characterisation of the landscape surrounding Aylesbury identifies 'Bierton Fields', to the north of Bierton and including most of the appeal site where: - *'the landscape is characterised by well-preserved parliamentary enclosure, most of the field boundaries remain unchanged since the 19th century and probably little has changed since enclosure in 1780 The historic landscape has moderate capacity to absorb new development within the large-scale surveyed structure of the parliamentary fields. The old enclosures forming the immediate setting of Bierton village should be protected'*.¹¹⁴
- 2.90 The proposed development would result in the loss of these enclosures and, where elements of hedgerows are intended to be retained, they would, in many cases, be embedded within the development losing much of their value and meaning as countryside and heritage features. The survival of well-preserved long and regular, rectilinear, enclosures with straight boundaries, which were originally formed from the strips of open field farming, is an important element of Bierton's character and distinctiveness. Moreover, Parliamentary enclosure is illustrative of a hugely important economic and social process and the survival of the fields has aesthetic value as a designed agricultural landscape of its time.¹¹⁵
- 2.91 Although the strip fields to the east of Brick Kiln Lane, behind properties fronting on to Aylesbury Road, were included within the Conservation Area boundary review, those within the appeal site were not as they were more remote from the historic core of the village. However, the 'infilling' of a substantial part of countryside which separates the urban fringe of Aylesbury from Bierton would harm the overall legibility of the landscape. The loss of the enclosures should weigh negatively in the planning balance.¹¹⁶

The fourth main consideration: best and most versatile agricultural land

- 2.92 The Framework indicates that local planning authorities should take account of the economic and other benefits of the best and most versatile agricultural land (i.e. grades 1, 2 and 3a); and, where significant development of agricultural land is demonstrated to be necessary, poorer quality land, in preference to that of higher quality land, should be used. The protection of the best agricultural land is a matter of food security and

¹¹³ AV/4/1 paragraphs 4.29 & 4.30; AV/4/13; CD3.95 page 15

¹¹⁴ AV/4/1 paragraph 4.33 & 4.34; CD3.85 page 16

¹¹⁵ AV/4/1 paragraph 4.35; AV/4/13; CD3.95 page 15

¹¹⁶ AV/4/1 paragraph 4.36; AV/4/8 page 19

- retaining potential for growing crops; it is a vital and finite resource and its loss would be inherently unsustainable.¹¹⁷
- 2.93 Approximately 19.5 hectares of the site (15.4%) has been classified as grade 2; and some 36.1 hectares (30%) as sub-grade 3a. These areas are located in the southern and south-western parts of the site. The remainder of the site, save for a small area of grade 4 land near the river, is sub-grade 3b.
- 2.94 The permanent loss of some 55 hectares of best and most versatile land would be a very significant individual loss. There is nothing to suggest (as was the case in the Hampden Fields proposal)¹¹⁸ that the higher quality land lies within parcels of lesser quality or that public access and recreational pressures are limiting factors.
- 2.95 The following points were established as common ground: -
- (a) although a substantial part of the best and most versatile land is currently laid to pasture, that does not in itself diminish the land's potential;¹¹⁹
 - (b) there is no evidence to show that land ownership and adjoining land of lesser quality preclude the higher quality land being farmed as such;¹²⁰
 - (c) land ownership is not a permanent factor and it does not affect the potentiality of the land; and
 - (d) the appellant has not called expert evidence (and it must follow that its case is founded on assertions).
- 2.96 In terms of the approach to the consideration of best and most versatile agricultural land, a number of appeal decisions provide a valuable pointer. At Verney Road, Winslow, it was found that an area of 2.5 hectares within the site (less than 5% of the appeal site) was sufficient to be farmed as best and most versatile agricultural land.¹²¹
- 2.97 At Little Horwood Road, Winslow, 3.6 hectares of mixed Grade 2 and 3a land, used for sheep grazing, was to be lost. The Inspector reached the following conclusion: -
- 'Whilst the site also contains some small pockets of grade 3b land, that is not an unusual situation, and the practical constraints in terms of access and field sizes and shapes do not seem particularly severe Neither is it particularly relevant that the site does not amount to a viable holding on its own, or an integral part of a larger farm unit. It therefore seems to me that the appeal site should be regarded as an agricultural resource of some 'economic or other' value to the nation, both in its present use for livestock grazing, and as a reserve for future food production if the need should arise'*
- The Secretary of State, in agreeing with the Inspector, gave moderate weight to the loss in the overall planning balance.¹²² The significantly greater loss in the present case should attract substantial weight.

¹¹⁷ AV4/1 paragraphs 4.4 & 4.5; CD4.1 paragraph 112

¹¹⁸ CD 7.14 (IR 9.636)

¹¹⁹ HL/3/1 paragraph 5.20; HL/3/4 paragraph 2.8

¹²⁰ HL/3/4 paragraph 2.9

¹²¹ CD5.35 (DL 14; IR 167)

¹²² CD5.36 (DL 22 & DL 33; IR 11 & IR 108)

- 2.98 In terms of the current proposal, the Environmental Statement assigns sensitivity based on the degree of the prevalence of higher quality land in a region: - the more common it is, the less sensitivity is assigned to it. However, the assessment does not consider how common, or otherwise, best and most versatile agricultural land is in the Aylesbury Vale area; and the evidence demonstrates that the sensitivity assigned (medium) is too low having particular regard to the relative sparseness of grade 2 land across the region.¹²³
- 2.99 This approach is conceptually flawed, because best and most versatile agricultural land is a finite national resource and the inherent value of that resource '*to the nation*' in terms of its potentiality is not affected by reference to its relative regional scarcity.¹²⁴ Such land should not, therefore, be considered less sensitive because it is located in a region where it is more common. On the contrary, it is in those areas where it is most likely to be able to be farmed to its greatest potential and thus most valuable to the nation. In this instance, there is no evidence to show that the higher quality land within the appeal site would be incapable of being farmed effectively to its potential.
- 2.100 In turn, the Environmental Statement downplays the significance of the loss based on the amount of high quality land that would be put to '*soft*' end uses. However, those areas of open space and green infrastructure are required to serve the needs of the new population for the lifetime of the development; and reversion to agricultural use cannot be considered to be likely. It is to be noted that the Environmental Statement contains no assessment of the practicality and likelihood of such reversion taking place.
- 2.101 In addition, the '*provisional impact classification*', in the Environmental Statement, is based on the percentage of the area of land affected, as opposed to the absolute area of land to be lost. In addition, the document also adopts an unrealistically high threshold for establishing the relative magnitude of impact on best and most versatile agricultural land with a loss, in a single development, of in excess of 80 hectares being classed as '*high*'. This is to be contrasted with the trigger of 20 hectares for consultation with Natural England.¹²⁵
- 2.102 Overall, the loss of 55 hectares of best and most versatile agricultural land to a single development should be regarded as a '*major adverse impact*' in Environmental Impact Assessment terms, inherently unsustainable, and in conflict with national policy. Accordingly, this should weigh heavily against the proposal in the planning balance.¹²⁶

¹²³ AV/4/1 paragraphs 4.12 – 4.23; HL/3/4 paragraph 2.7

¹²⁴ CD5.36 (IR 197)

¹²⁵ AV/4/1 paragraph 4.17; CD1.9 paragraph 2.11 & Table 15.4

¹²⁶ AV/4/1 paragraphs 4.6 – 4.14 & 4.18 – 4.23

The fifth main consideration: mix of uses and sustainability

- 2.103 The apparent justification for not proposing any dedicated employment land within the proposed development places reliance on the fact that the site is strategically located and well-connected to the centre of Aylesbury and other key employment locations within the town. Although the appellant has placed heavy weight on the relationship between the planning permissions already in prospect for employment, and the level of housing provision proposed in the Vale of Aylesbury Plan, it has not reviewed its position in light of the withdrawal of the plan and the subsequent increased, interim, anticipated number of houses (by a factor of at least 2).¹²⁷
- 2.104 In recent years house completions in Aylesbury have significantly outstripped the number of new jobs. The Employment Land Review (2012) acknowledges Aylesbury's key location for housing growth and observes: - *'..... there is a need to ensure that employment development is brought forward alongside this to support sustainable travel patterns'*. A Key Employment Sites Assessment (2013) records significant issues for the delivery of B1 offices across the district with demand, albeit extremely limited, strongest in Aylesbury. However, these studies were undertaken at a time of recession and a strategic housing development site would take several years to build out; the view of the future should not be unduly pessimistic.¹²⁸
- 2.105 It is considered that the development should include meaningful and proportionate employment provision. By way of illustration, 'Area C' (in the withdrawn Core Strategy) indicated 10 hectares of employment land for 3,400 homes; at Berryfields it is 9 hectares for 3,235 dwellings; and, at Kingswood, 10 hectares for 2,450 houses. The Council does not seek to be unduly prescriptive as to the quantum to be provided; employment development on other sites around the town has been considered by experienced developers to be deliverable; and there is no evidence to suggest that employment land here would be unviable.¹²⁹
- 2.106 The proposed development is likely to have a population of over 4,000 persons; and employment within the local centre and the school is anticipated to be 139 – 159 jobs compared to an estimated profile of some 1,500 residents of working age. The effect would be an imbalance between homes and jobs, increasing the need to travel to work and exacerbating problems of out-commuting. This would undermine the Council's vision for Aylesbury, in its Economic Development Strategy (2011-2014), as a vibrant and dynamic business location to be secured, in part, through an element of balance in the location of new jobs and homes.¹³⁰

¹²⁷ AV4/1 paragraphs 4.68 - 4.71; CD1.7 page 9

¹²⁸ AV4/1 paragraphs 4.84 - 4.88; CD3.28 page 5 & paragraph 9.11; CD3.105 paragraphs 2.30 & 5.2

¹²⁹ AV4/1 paragraphs 4.89 & 4.90; CD3.91

¹³⁰ AV4/1 paragraphs 4.73 & 4.74; CD1.9 paragraph 6.16; CD3.29 paragraph 5.8

- 2.107 The Framework explains that: - *'Planning policies should aim for a balance of uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. For larger scale residential developments, in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site'* The sustainability rationale is equally applicable to decision-making on such strategic projects as evident at Quarrendon Fields where the Secretary of State agreed with the Inspector that *'in sustainability terms the lack of employment opportunities weighs against the scheme'*.¹³¹
- 2.108 The current housing figures for the district, in the Aylesbury Vale Housing & Development Needs Assessment, are based on a figure of 19,000 net jobs for the period 2013-2033.¹³² Achieving that target is likely to be challenging (particularly if large scale residential schemes do not make a meaningful contribution) in light of the following: -
- (a) within the district, house building has continued while employment growth has been at a significantly lower rate, and has at times fallen: - *'ONS figures record no net growth in jobs in Aylesbury Vale in the period 2001-2011, whilst Experian figures recorded net growth of 2,400 jobs in the same period'*¹³³
 - (b) the figure for employment growth is primarily based on economic forecasting rather than committed employment projects; and that the committed investment projects relied on to increase the forecast number of jobs involve infrastructure projects *'including delivery of East-West rail' which 'are likely to support stronger employment growth than is modelled'*¹³⁴
 - (c) the Council's Economic Development Strategy seeks to ensure that there is an element of balance between where new homes and new jobs are created;¹³⁵
 - (d) the Aylesbury Vale Employment Land Review Update (September 2012) identifies low levels of take-up of employment space, and a fall in the annual rate since the onset of recession in 2008. It also points to the absence of any substantial new build schemes in Aylesbury for several decades and the need for the office market in Aylesbury to be carefully nurtured to grow and attract higher skilled employment opportunities. To achieve this there is identified to be a need for a strong economic growth strategy for Aylesbury, and to ensure that employment development is brought forward alongside housing growth to support sustainable travel patterns;¹³⁶ and
 - (e) later evidence shows that the availability of B1 office stock in the district has decreased by some 2,464 square metres since September 2012, suggesting that the more recent increase in the demand for space is taking up available supply, especially of new floorspace, at a rate faster than the stock supply is being replenished.¹³⁷

¹³¹ AV4/1 paragraphs 4.75 - 4.82; CD4.1 paragraphs 37 & 38; CD7.8 paragraph 4.9; CD5.4 (DL 11; IR 3.26 - 3.31)

¹³² AV/4/19 Appendix paragraph 1.22

¹³³ AV/4/1 paragraph 4.84

¹³⁴ AV/4/19 Appendix paragraph 1.22

¹³⁵ CD3.29 paragraphs 5.7 & 5.8

¹³⁶ CD3.28 paragraph 9.11

¹³⁷ BL/MT/5.1 paragraphs 3.90 - 3.91

- 2.109 There is no suggestion that the lack of dedicated employment land within the scheme is driven by any lack of viability. It is also notable that the appellant's position on employment land availability has changed markedly between its promotion of a mixed use scheme at Weedon Hill and the current proposal: -
- (a) in March 2012,¹³⁸ the appellant was reporting that an assessment '*of the opportunities for B1 development, within the defined town centre boundary reveals not a single site which is readily available to accommodate new build B1 development as proposed by the application*'; employment opportunities on the northern side of Aylesbury were '*much needed*'; and '*there is an immediate need to provide smaller, good quality office developments, to attract and retain the small and medium sized enterprises which form the backbone of the local office sector within Aylesbury*'; - no subsequent planning permissions have been granted;¹³⁹
 - (b) the appellant was also reporting: - '*Despite the positive planning policy context for economic development Aylesbury District has underperformed in terms of delivering sustainable economic growth, even during the extended period of economic buoyancy, prior to the recession. A shortfall in the availability of sites and the quality of the stock of premises available for economic development has been, and remains, a fundamental weakness, repeatedly identified in local monitoring reports and economic appraisals*'.
 - (c) the provision of 3.25 hectares of employment land at Weedon Hill was said (in the same month that the appeal scheme was submitted) to '*..... contribute significantly to the growth of the local and national economy*';¹⁴⁰
 - (d) in contrast, in support of the current project, the appellant saw '*limited potential for additional major employment development at Aylesbury*' (i.e. 3 – 5 hectares)¹⁴¹
 - (e) moreover, the appellant's planning proof for the Inquiry (October 2014) asserted, without any objective evidence, that: - '*..... there would be risks that employment provision on a more substantial scale than is presently envisaged on the appeal site would undermine the ongoing strategies such as that to promote renaissance in the town centre*'; - and '*.....the provision of such a relatively limited and uncertain employment site [within the development] would appear to offer little towards the objective of sustainable economic growth in comparison with that offered by the new market and affordable homes*';¹⁴² and
 - (f) such incompatible positions are unconvincing as there have not been any material changes either in terms of policy, economic strategy or planning permissions in the period in question.
- 2.110 The evidence strongly suggests that no serious consideration was given to including a greater amount of employment generating uses as an alternative to the mix of uses for which planning permission is now sought;

¹³⁸ 9 months before the Planning Statement for the appeal proposal was drafted

¹³⁹ CD7.8 paragraphs 4.19 & 4.53 - 4.59; AV4/1 paragraphs 4.91 - 4.94

¹⁴⁰ CD7.14 (IR 5.54 (i))

¹⁴¹ CD1.7 page 9

¹⁴² HL/3/1 paragraph 5.61; HL/3/4 paragraph 2.31

and the Environmental Statement is silent in this regard. Indeed, it was conceded that the brief from the appellant provided an area of 2 hectares in which to create a Local Centre with any residue, once the essential facilities had been provided, being allocated for employment.

- 2.111 A reasonable inference to be drawn is that the scheme put forward is the one that represents the most advantageous to the appellant, rather than emerging from a principled and properly evidence-based analysis leading to a sustainable mix of development.

Conclusion

- 2.112 The appeal proposals are strategic and long-term in nature. Opportunities to improve the current unsustainable balance of land uses, and the resultant unsustainable travel patterns, must be taken in both a plan-making and decision taking context if the district's growth is to be balanced and sustainable. It would be contrary to the objectives of the Framework if a less sustainable outcome were allowed to occur through the development management process.
- 2.113 Thus, the lack of any meaningful quantum of dedicated employment land, as part of the mix of uses, undermines the sustainability credentials of the scheme, and should weigh heavily against the development as part of the overall balance.

The sixth main consideration: highways and transportation

Introduction

- 2.114 At the end of the Inquiry there was only one principal controversial issue between the parties in relation to transportation, namely the dispute as to whether the new strategic link road (the Main Link Road) through the site (from the roundabout on the A413 north of Buckingham Park to the A418 south-west of Birtton) should be regarded as a positive benefit or a substantial negative factor in the planning balance. The other transportation issues, relating to network impact and the need for cumulative assessment, had been resolved.
- 2.115 In terms of network impact, the technical matters relating to standalone network impact and operation were agreed, and the mitigation package for the development had been expanded to include a series of new measures which are required, and agreed to be necessary, to make the impact acceptable.¹⁴³
- 2.116 Nonetheless, there would still be material adverse impacts on the network in a number of locations, notably at the Oakfield Road/A41/King Edward Avenue junction and at the Stocklake/Douglas Road signals.¹⁴⁴ In these locations, parts of the junctions are already operating above 90% saturation (the point at which queues build) and in one instance, the Oakfield Road left turn, would exceed 100% with the development in place.¹⁴⁵

¹⁴³ CD2.16

¹⁴⁴ CD2.16 Appendix A Tables 4 & 6

¹⁴⁵ CD2.16 Appendix A Tables 4 & 6

- 2.117 However, these impacts would not be 'severe' within the meaning of paragraph 32 of the Framework; and no further mitigation has been sought. However, such impacts need to be considered in the assessment of the appellant's claim that there would be a material net benefit to the network as a whole.
- 2.118 The issue of cumulative assessment fell away once the outcome of the conjoined Inquiries was known; with reason for refusal (3) becoming no longer relevant.¹⁴⁶ In terms of reason for refusal (2), with the submission of further information, the outstanding matter became- *'The development does not conform with the strategic objectives to reduce congestion, inconvenience and hazards on the local highway network and therefore fails to accord with advice contained in the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 3'*.¹⁴⁷

The Link Road issue – policy and approach

- 2.119 The proposed Main Link Road through the appeal site is described in the Planning Statement as *'..... vital strategic infrastructure for the wider benefit of the town securing a strategic connection between the A418 and A413.'*¹⁴⁸
- 2.120 There is no adopted policy which supports the development of the appeal site or the provision of a strategic link road through the site. The route, whilst providing access into and out of the proposed development, is intended as a strategic piece of infrastructure to facilitate the movement of through traffic from one inter-urban route to another. It is therefore designed to have a capacity which reflects that function.
- 2.121 In dealing with a succession of very substantial development proposals, outside the plan-led system, the underlying aim has been to maintain a consistent and coherent strategic approach so as to ensure that the highway network continues to be fit for purpose and to function well in the longer term so as not to act as a constraint on the growth that is needed. Maintaining that approach is important in the public interest.
- 2.122 In this regard, the highway authority is continuing to apply the broad strategic approach that was formulated for accommodating the additional levels of traffic likely to have been generated by the growth proposed through the (withdrawn) Core Strategy (set out in Towards 2026 – A Transport Strategy for Aylesbury).¹⁴⁹ That included, in particular, a series of link roads around the town in order to create capacity in the congested town centre and to improve connectivity.
- 2.123 The development of 'Area C' was predicated on the provision of a new link road to connect the A413 to the north of Buckingham Park to the A418 to the north-east of Bierton: - *'a new local distributor standard road - the Northern Link - will be constructed by developers if these areas are considered by the District Council as appropriate for development this would incorporate a*

¹⁴⁶ AV/5/10; AV/3/5 paragraphs 1.16 – 1.18

¹⁴⁷ AV/3/5 paragraph 1.19

¹⁴⁸ CD 1.7 paragraph 5.43 3rd bullet point

¹⁴⁹ CD3.32b

link back to the A413 south of Bierton and so provide a local A418 relief of Bierton the A418 through Bierton would be downgraded as a through traffic route by a series of environmental enhancements'. It is to be noted that an improvement line which would enable the construction of a Northern Link Road at a future date continues to be protected.¹⁵⁰

2.124 The highway infrastructure related to the development of Berryfields and Kingsbrook, and in turn the previous and emerging proposals for Hampden Fields, reflects this overall framework, with provision for the relevant sections of the link roads.¹⁵¹ By contrast, the appellant's approach would be at odds with the highway authority's overall strategy which is intended to deliver the long term sustainable development of Aylesbury and the district more generally. This can be seen from the Buckinghamshire Local Transport Plan, the aims and objectives of which are agreed to be uncontroversial and in accordance with the Framework: -¹⁵²

- (a) an efficient and effective transport network is vital to the county's economic development, and transport plays an important part in facilitating economic growth and renewal;¹⁵³
- (b) the anticipated high levels of house building and economic growth could have a significant adverse impact on the county's transport network, leading to increased congestion and poor connectivity (especially north-south) and a resultant negative impact on the local economy;¹⁵⁴
- (c) the 'Re-route' element of the 'Transfer, Re-route, Intercept, Manage' (TRIM) approach states: -
'Given the amount of housing growth in Aylesbury, it is necessary to provide some new highway infrastructure to both serve the developments and provide some relief on existing routes in the town. These new routes will be carefully planned so that they serve both a local access and strategic purposes without providing excessive capacity that could encourage greater levels of traffic on local networks'; and
- (d) in this case, the proposed Main Link Road has no strategic purpose; and, far from being carefully planned to serve some agreed strategic purpose in the public interest, it has been presented as a *'done deal'*.

The Highway Authority's concerns and evidence

2.125 The effect of providing a Main Link Road between the A418 and the A413 would be to encourage through traffic (from the A418 (south-west) or the A41 (west) to the A418 (north-west) and vice versa) to route through Bierton in preference to the inner ring road, Stocklake Link Road and the northern section of the Eastern Link Road.

2.126 The A418 through the centre of Bierton is not well-suited to perform a strategic role due to the number of direct accesses, combined with formal junctions and a crossing facility that all lead to traffic being slowed or

¹⁵⁰ AV/3/5 paragraphs 4.52 – 4.61; CD3.103 (including plan)

¹⁵¹ AV/3/5 paragraphs 2.17 – 2.34

¹⁵² CD3.30; AV/3/5 paragraphs 4.1 – 4.20

¹⁵³ AV/3/1 paragraph 4.8

¹⁵⁴ AV/3/1 paragraph 4.9

stopped. Further, the new signal controlled junction proposed to the north-east of Bierton (between the A418 and the Eastern Link Road), its associated control strategy and signage, and the proposed traffic calming on the A418 within Bierton, are intended to discourage its use by through traffic and improve conditions within the village.

2.127 However, the appellant's response relies on the premise that the additional traffic generated as a consequence of the proposed development would not result in significant harm to Bierton, in that it would remain below current levels. Although the modelling for 2021 shows 210 additional vehicles being reintroduced to Bierton in the AM peak hour, the following points are material:¹⁵⁵

- (a) the model data excludes the southern section of the Eastern Link Road, which is to be delivered by 2019 - the opening of this section would increase the attractiveness of the route through Bierton to strategic inter-urban traffic;
- (b) the appellant's assessment¹⁵⁶ only considers left turn movements from the Eastern Link Road to Bierton and the right turn from Bierton to the Eastern Link Road - strategic traffic is not limited to those movements;
- (c) the Main Link Road and the A418 through Bierton would function as an attractive alternative to the A413 and the outer ring road system for onwards connection to the Eastern Link Road and vice versa; and
- (d) even with those limitations in mind, the model shows a 32.98% increase in traffic on the A418 heading away from the town centre in the AM peak in 2021 (+17.6% two-way), and an 11.7% increase in the opposite direction in the PM peak (+6.5% two-way).¹⁵⁷

2.128 Furthermore, none of the modelling takes account of the likely future level of growth in the district,¹⁵⁸ and no allowance has been made for any strategic sites that do not currently have planning permission coming forward. In the absence of any modelling of the position in 2031, there is insufficient data to enable any reliable conclusions to be reached as to the levels of strategic traffic using the A418 through Bierton at that date.

2.129 It follows that the highway authority's concern is not based on the impacts of the development on conditions through Bierton in the short term. Rather, it is the likely effects arising from the construction of a new strategic connection, in the wrong place, which would tend to return strategic traffic along an unsuitable route. In the longer term, the levels of such traffic would be very likely to increase.

2.130 Moreover, it is not the case that objection is taken to the absence of a Northern Link Road (between the A413 and to the north-east of Bierton) as illustrated in the (withdrawn) Core Strategy ('Area C'). Whether or not such a route might be required at a future date is an unknown; but if the

¹⁵⁵ CD2.16 page 14; AV/5/3 paragraphs 6.33 - 6.35

¹⁵⁶ HL/4/5 paragraphs 5.12 - 5.17

¹⁵⁷ HL/4/5 Tables 5.1 & 5.2

¹⁵⁸ CD2.17

Main Link Road were to be constructed, such a route would provide the only viable option for subsequently taking strategic traffic away from Bierton.

- 2.131 In recognition that the development, as proposed, would render the realisation of a Northern Link Road a practical impossibility, the appellant has offered a condition, to be imposed on any grant of permission, which would safeguard a future route across the north-eastern part of the site. It has also agreed to the transfer of the necessary land to the highway authority at no cost. Both steps are welcome, and both are necessary to overcome what would otherwise be a legitimate freestanding reason for the refusal of planning permission.¹⁵⁹
- 2.132 However, these steps alone would not be sufficient to deliver the remainder of the route as the necessary land is not within the Council's control or funding capability.¹⁶⁰

Highways benefits

- 2.133 The appellant's claim¹⁶¹ that the appeal proposal would deliver significant benefits to the highway network is not accepted because: -
- (a) whilst there would be some benefits to the operation of some parts of the network as a result of the mitigation measures, dis-benefits would arise at a number of junctions and through Bierton;
 - (b) such resultant benefits would be of marginal significance in the context of the town-wide network;
 - (c) whilst it is accepted that the adverse impacts on some of the junctions in the network would not be severe, and thus not require mitigation, they would represent a harmful impact on the operation of the network; and
 - (d) the strategic model used to assess cumulative impact is at too coarse a grain to enable any robust and reliable conclusions to be reached about the performance of particular junctions within the network.

Conclusion

- 2.134 The effect of the Main Link Road in facilitating and encouraging strategic traffic to route through the centre of the village of Bierton would be contrary to the aims and objectives of the highway authority, and a retrograde step in strategic terms. Whilst the development would safeguard the '*option*' of a future Northern Link Road, no material weight attaches as there would be no realistic prospect of it materialising.
- 2.135 The appeal should therefore be determined on the assumption that if the Main Link Road is built, the main strategic link between the A413 and the A418 would continue to be via the centre of Bierton for the foreseeable future. The undesirable consequences that would arise merit significant weight on the negative side of the planning balance.

¹⁵⁹ AV/5/3 paragraph 6.36

¹⁶⁰ AV/3/1 paragraph 5.14; AV/5/4 paragraphs 5.11 - 5.15

¹⁶¹ HL/4/5 paragraphs 4.8, 4.13 & 8.3

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- 2.136 Whilst it is accepted that there are likely to be some benefits to the operation of certain junctions as a result of the proposed mitigation measures, these would not be significant when seen in context and with particular regard to the adverse impacts elsewhere on an already congested network.

The seventh main consideration: flooding

- 2.137 This is not a matter on which the local planning authority raises objection.

The eighth main consideration: conditions and obligations

Conditions

- 2.138 There are no outstanding issues between the parties on the matter of the planning conditions which should be imposed if the Secretary of State decides to allow the appeal, other than whether development should be excluded from part of the site as set out in paragraphs 3.68 and 3.69 below.

Obligations

- 2.139 The 2 section 106 agreements between the appellant (and others) with Aylesbury Vale District Council and Buckinghamshire County Council are a matter of record. It is also agreed that the obligations comply with the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) and should be taken into account in the determination of the appeal. Both obligations provide for the payment of administrative and monitoring fees, to take account of the extent and nature of the work likely to be entailed, in accordance with the District Council's and County Council's charging policies.¹⁶²

The ninth main consideration: the planning balance

- 2.140 The proposed development would be in conflict with the development plan, with particular reference to Policies GP.35 and RA.2 of the Aylesbury Vale District Local Plan. These policies are consistent with the Framework and, thus, carry full weight. Moreover, the proposed development would cause very substantial harm to the character and appearance of the landscape; the setting, identity and historic context of adjacent settlements; in the loss of best and most versatile agricultural land; and the absence of meaningful employment provision within the proposed development site in conflict with the principles of sustainability. The highway and transport considerations are a further significant negative factor. These matters would clearly and demonstrably outweigh the acknowledged benefits of the scheme.

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¹⁶² CD2.15; CD2.19; CD2.20; CD2.25; CD2.26; CD2.27; CD3.5; CD3.6; CD3.7; CD3.8; CD3.9; CD6.26

3. The Case for Hallam Land Management Limited

Introduction

- 3.1 Hallam is a strategic land company promoting and delivering residential and mixed use schemes throughout the UK. It has a considerable track record in delivering high quality sustainable developments, including Buckingham Park, Aylesbury. There are no physical, technical or ownership issues that would prevent the early implementation of the scheme, following the grant of planning permission. Although the use of part of the site, immediately east of Watermead, is formally restricted to agriculture, until September 2016, neither point of access nor the majority of the land is constrained and development could commence from either point.¹⁶³
- 3.2 A number of dramatic changes occurred in the 8 months between the opening and close of the Inquiry, which go to the very heart of some of the central issues occupying the parties at the outset, including: -¹⁶⁴
- (a) the Council accepts that it is facing a new homes requirement in excess of 1,326 homes per annum (before account is taken of the duty to co-operate, the application of the shortfall and a 20% buffer); and, on its own figures, it can only demonstrate a 3.1 year supply, with a residual requirement for sites sufficient to accommodate approximately 16,800 homes in the period to 2033 remaining to be identified;¹⁶⁵
 - (b) the conjoined appeals relating to Fleet Marston, Hampden Fields and Weedon Hill were all dismissed;¹⁶⁶ the consequence is that the gaping hole in the Council's housing land supply (both over 5 years and beyond) looks even more formidable a challenge and the need to bring forward sustainable development opportunities elsewhere looks ever more pressing; and whilst Hampden Fields still has prospects, this scheme alone would be far from sufficient to solve Aylesbury's housing crisis;
 - (c) the highway issues originally identified as an obstacle to the development of the appeal site have all been overcome and its sustainability credentials confirmed on an agreed basis (with the exception of one matter relating to the role of the Main Link Road through the site, the resultant impacts on traffic flows through Bierton and its relationship with the strategy being pursued by Buckinghamshire County Council);¹⁶⁷ and
 - (d) Barwood ceased to participate actively in the later stages of the Inquiry, notably on highway matters; and its planning and landscape evidence remained as called in the early stages of the Inquiry.
- 3.3 Overall, the above changes have strengthened and reinforced the case for allowing this appeal and granting permission.

¹⁶³ HL/3/1 paragraphs 1.7 - 1.11; HL/3/2 Appendix 3

¹⁶⁴ AV/5/2

¹⁶⁵ CD2.14 paragraphs 2.8, 2.9 & 4.3 - 4.5

¹⁶⁶ CD7.14

¹⁶⁷ in paragraphs 3.91 – 3.102 below

Approach

- 3.4 There are a number of matters of common ground, including: -
- (a) the housing supply provisions of the Aylesbury Vale District Local Plan are out-of-date as the plan is time-expired;¹⁶⁸
 - (b) only limited progress has been made with the emerging Vale of Aylesbury Local Plan and no significant weight should attach;
 - (c) in either event, the application falls to be considered against the presumption in favour of sustainable development as set out in the Framework;¹⁶⁹ and
 - (d) Policies GP.35 and RA.2 of the Aylesbury Vale District Local Plan continue to have statutory force (subject to considerations of weight).
- 3.5 In terms of the development plan, Policy GP.35 raises matters which would generally arise through the development management process and by reference to the Framework. Policy RA.2 is specific to the protection of 'rural areas', albeit it was framed some 15 years ago as part of a plan which made provision for housing needs within defined settlement boundaries and/or urban extensions. It has little present validity and the weight to be applied is limited.¹⁷⁰
- 3.6 On this basis, in the narrow areas where there is a surviving but elderly development plan policy of relevance, other material considerations, including the Framework, are likely to play a decisive role. In particular: - *'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 this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted'.*¹⁷¹

The benefits of the development

The provision of housing to meet an urgent need

- 3.7 Aylesbury Vale has a large scale and urgent need for additional housing provision of a similar order to that which the South East Plan was seeking to provide prior to its revocation and the consequential abandonment of the Core Strategy in 2010. The annual requirement is expected to be more than twice that for which the Vale of Aylesbury Plan was seeking to provide; and a third more than the figure which was considered at the conjoined Inquiries. It has long been recognised that the majority of the growth will be concentrated at Aylesbury with an anticipation of significant greenfield land allocations.¹⁷²
- 3.8 Housing growth within the district faces a number of constraints including the Chilterns Area of Outstanding Natural Beauty and the Green Belt to the south and south-east; the parklands of Hartwell, Eythrope and Waddesdon

¹⁶⁸ CD2.6 paragraph 6.1 & 6.2

¹⁶⁹ CD2.6 paragraph 6.3; AV/5/2 paragraph 9; CD4.1 paragraph 17

¹⁷⁰ HL/3/1 paragraphs 3.43 - 3.46

¹⁷¹ CD4.1 paragraph 14

¹⁷² CD2.6 paragraph 6.8

to the west; other attractive landscapes; and the route of HS2. Potential development sites at Quarrendon Fields and Fleet Marston have been dismissed on appeal; and Kingsbrook has already been factored into the trajectory.¹⁷³ Hampden Fields has highway obstacles to overcome and Woodlands is some distance from Aylesbury town centre with consequential highway impacts. Even so, these would not be sufficient to meet the district's urgent needs.

- 3.9 Accordingly, it should come as no surprise that one of the potential development areas considered through the (withdrawn) Core Strategy has returned for reconsideration; albeit, as a smaller element of a previously larger site which does not extend physically to the north of Bierton and it does not require a road (Northern Link Road) to be constructed to connect with the A418 north-east of Bierton.
- 3.10 It is clear that there is a substantial shortfall in the recognised requirement for housing land with a supply of 2.9 – 3.1 years and an annual requirement in the order of 1,700 dwellings. The appeal scheme could provide 350 to 550 units in years 3 – 5 of the 5 year period (2015/16 – 2019/20) which would coincide with anticipated completions of 1,005 and 608 units against an annual requirement of 1,734 dwellings.¹⁷⁴ Although the Council makes reference to *an 'exceptionally large number of consented units'*,¹⁷⁵ these are, nonetheless, included in the current trajectory, and in the 3.1 year supply.
- 3.11 It is clear, and agreed, that the ability of the appeal scheme to provide up to 1,560 units to help meet this need is a key benefit of the scheme to which very substantial weight should be attached, addressing both the economic and social dimensions of sustainable development.

The provision of affordable housing

- 3.12 There is an agreed 'acute' need for affordable housing both within Aylesbury and within the district generally.¹⁷⁶ The appeal scheme would deliver the full policy compliant provision of affordable housing which would equate to almost 4 times (468 units) the annual average (119 units) delivered across the district over the past 13 years.¹⁷⁷ This would support the social dimension of sustainable development.

The provision of a mixed use local centre, primary school and employment

- 3.13 The proposed housing would be provided with an appropriate mix of local services and facilities, serving the new community and the surrounding residential areas. It is likely that some children from Watermead would attend the new primary school within the development, with the advantage of a short, direct and convenient walk.

¹⁷³ CD3.118

¹⁷⁴ AV/2/4; CD3.118

¹⁷⁵ AV/5/11 paragraph 36

¹⁷⁶ CD2.6 paragraph 6.6

¹⁷⁷ HL/3/2 paragraph 7.16

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- 3.14 The local centre would also provide employment through small scale retail premises, healthcare, extra care, sports, community uses and up to 200 square metres of B1a and B1b provision. All these elements would support the economic and social dimensions of sustainable development.

Construction employment

- 3.15 Initial construction and future maintenance would provide significant levels of employment, supporting the economic dimension of sustainable development.

Green infrastructure

- 3.16 The proposed multi-functional green infrastructure has 3 objectives: -
- (a) it would help to absorb the new development into the landscape and introduce new planting into an area where this is positively encouraged;
 - (b) it would enhance the biodiversity of an area (informed by a Landscape and Ecological Management Plan) which has been subject to modern agricultural practices for many years and which currently has only modest ecological interest; and
 - (c) it would open up an area close to Aylesbury, which is currently subject to very limited public access, for example in the creation of the proposed Thame Park.
- 3.17 It would also be consistent with the expressed '*opportunity*' in Natural England's National Character Area profile 108: Upper Thames Clay Vales to '*prioritise the creation and enhancement of greenspace where there is inadequate provision, for example in Aylesbury*'.¹⁷⁸ Overall, the provision of green infrastructure would reflect the Framework's requirement for sustainable development to have an environmental dimension.

Flood relief for Watermead

- 3.18 The drainage strategy for the site provides for sustainable drainage measures which would reduce peak storm water discharges from the site to at least 72% of the present day conditions and go a long way towards addressing the existing un-attenuated run-off from the appeal site down the slope towards Watermead. Accordingly, this aspect of the appeal scheme would contribute towards both the environmental and economic dimensions of sustainable development.

Sustainable transport

- 3.19 The appeal site is acknowledged to be in a location which is accessible by sustainable modes of transport. The area is already served by a variety of bus services linking key destinations; and new patronage would enhance their long term viability. Additionally, new bus provision would be made (supported by a £723,237 contribution by the appellant) providing initially a 30 minute and then 20 minute frequency from the local centre into the centre of Aylesbury.¹⁷⁹

¹⁷⁸ CD6.19 page 19 (column 2, bullet 4)

¹⁷⁹ CD2.16 paragraphs 5.9 & 9.1

- 3.20 The site is also sufficiently close to Aylesbury town centre, with all of its services, facilities and employment, for it to be regarded as accessible by cycle and on foot. The existing highways infrastructure providing connections is already good and the planning obligation would enhance these further along the A413. The development would therefore address the economic, social and environmental dimensions of sustainable development.
- 3.21 Additionally, it is agreed that the appeal proposal would result in a reduction in travel time across the entire network and a reduction in average junction delays, with the development in place, in Aylesbury's Air Quality Management Areas (before any individual junction mitigation).¹⁸⁰ Again, both economic and environmental dimensions of sustainable development have been addressed.

Summary

- 3.22 The above points illustrate a representative selection of the benefits which would arise from the development and which would go beyond paying lip service to the concept of sustainable development. It is very difficult to imagine many other sites around Aylesbury with the potential to address such a comprehensive range of sustainable development objectives.

Consideration of potential impacts

- 3.23 It is accepted that it is not possible to deliver a development of the scale proposed on a greenfield site without fundamentally changing the nature of the site. However, that cannot, by itself, be regarded to be unacceptable, as to do otherwise would frustrate the Government's core aim to boost significantly the supply of housing in an area where the availability of previously developed land is insufficient to meet unmet needs.

The first main consideration: housing land supply

- 3.24 This matter is addressed in the Statement of Common Ground and in the preliminary comments above.

The second main consideration: landscape

Local context and character

- 3.25 The appeal site covers an area of 117.19 hectares of agricultural land on the north-eastern edge of Aylesbury. Its western boundary runs alongside modern, late-twentieth century, dwellings in Watermead and Oldhams Meadow (between Watermead and the A418). The northern boundary consists of hedgerows and the meandering course of the River Thames. Hedgerows and Great Lane form the eastern boundary; and the south-eastern and southern parts of the site are defined by the settlement edge of Berton.¹⁸¹

¹⁸⁰ CD2.16 paragraph 7.2

¹⁸¹ HL/1/1 paragraphs 4.1 - 4.7; HL/1/2 Figures 1 - 4

- 3.26 Land use consists of arable and semi-improved pasture; none of the hedgerows are *'important'* under the Hedgerow Regulations (1997); the only buildings are those comprising Dunsham Farm; and there is limited public access across the site. In terms of landform, the site lies on the gentle north facing valley slopes above the river, rising to Bierton ridge with much of the site falling from the ridge westward towards Watermead.¹⁸²
- 3.27 Character-wise the appeal site, and the wider landscape, lies within National Character Area Profile 108: Upper Thames Clay Vales where the expansion of Aylesbury is acknowledged with the following expressed objective: - *'Realise sustainable development that contributes positively to sense of place and built heritage. Ensure adequate greenspace in association with all development and most importantly in growing settlements such as Aylesbury*
.....',¹⁸³
- 3.28 At the local level, well over half of the appeal site lies within the Hulcott Vale Landscape Character Area which is of *'moderate'* landscape condition and of *'low'* landscape sensitivity with guidelines to *'enhance and reinforce'*. The southern part of the site is within the Bierton Ridge Landscape Character Area. The landscape is of *'good'* condition; *'moderate'* sensitivity; and the guidelines are to *'conserve and reinforce'*. There are no specific landscape designations of relevance.¹⁸⁴

The expansion of Aylesbury

- 3.29 As part of preparatory work for the (withdrawn) Core Strategy, the Council commissioned a number of studies which included the analysis of 7 potential development areas. The appeal site lies within part of *'Area C'*; but the judgements reached on that area related to a much wider landscape than is currently the case which undermines any comparison of effects. In this regard, the *'Area C'* proposals were far more extensive in area and impact and they would have virtually cut off Bierton from the Vale to the north.
- 3.30 Indeed, the Inspector in the Quarrendon Fields appeal found the earlier work to be of limited value. Moreover, in the initial work, no account was taken of possible beneficial effects; little weight was given to the potential for mitigation strategies; and there was a lack of consistency between judgements.¹⁸⁵
- 3.31 Nonetheless, the Council promoted the principle of development on *'Area C'* and prepared a Concept Plan for 3,400 dwellings and related uses. The Inspector's interim report has little direct application to the current proposal which is a significantly smaller site with a more limited form of

¹⁸² HL/1/1 paragraphs 4.8 - 4.15; CD1.9 Chapter 6

¹⁸³ HL/1/1 paragraphs 4.16 - 4.17; CD6.19 page 4 (SEO4)

¹⁸⁴ HL/1/1 paragraphs 4.18 - 4.27; CD3.44 paragraph 2.7; CD3.3 pages 176 & 177

¹⁸⁵ HL/1/1 paragraphs 7.40 - 7.56; HL/1/2 Figures 17 & 18; CD3.46 page 7; CD3.46 Appendices pages 11 & 12; CD3.47 paragraph 2.1.8; CD3.84; CD5.4 paragraph 3.49; CD6.10 paragraph 3.27 (bullet 1); CD6.20 paragraph 7.11

development to be located within the immediate context of Aylesbury, with much of the appeal site falling towards the urban area.¹⁸⁶

The appeal proposal

- 3.32 The Parameters Plan has evolved in response to the constraints and opportunities presented by the appeal site; with the objective of minimising potential environmental disruption whilst maximising benefits to the wider community; and it has followed good practice and guidance. The principal elements include: -
- (a) accessible green space and habitat creation along the river;
 - (b) building alongside the edge of Watermead to form a logical urban extension;
 - (c) the provision of substantial green infrastructure, incorporating retained hedgerows and trees and providing new woodland planting;
 - (d) providing a range of easily accessible facilities for the community; and
 - (e) enhancing the connectivity between the site and the wider landscape and between Watermead and Berton.¹⁸⁷
- 3.33 Approximately 57% of the appeal site would be devoted to green infrastructure which would exceed the standard required in the Aylesbury Vale District Local Plan. The proposals would also accord with the guidance in the Buckinghamshire Green Infrastructure Delivery Plan (2013) and the Aylesbury Vale Green Infrastructure Strategy (2011 - 2026).¹⁸⁸
- 3.34 The latter identifies 'Aylesbury Vale Environs' as a Priority Action Area and indicates that *'the lack of larger areas of accessible greenspace around Aylesbury as a whole is particularly notable Aylesbury has a relative lack of medium to large accessible spaces in proximity to the town and the main residential areas. There are no sites over the 20ha size threshold within 2km'*¹⁸⁹
- 3.35 The overall strategy is to be delivered through 10 currently identified 'Flagship Projects', with the first defined as 'Aylesbury Linear Park' which is intended to encircle the town with greenspace and to provide connections into the town and out to the wider countryside. The appeal proposal would help deliver this project; and it would provide considerable long term environmental benefits for recreation and biodiversity.¹⁹⁰

Landscape and Visual Impact Assessment

- 3.36 The assessment was submitted as part of the Environmental Statement; it was consulted upon; and it was accepted as a valid basis for determining the planning application by the local planning authority. No requests were made for additional information; and no criticism was made of the material presented.

¹⁸⁶ HL/1/1 paragraphs 7.57 - 7.61; HL/1/2 Figure 19; CD3.57; CD3.91

¹⁸⁷ HL/1/1 paragraphs 5.1 - 5.9; CD1.19; CD1.8 pages 25 & 43 - 54

¹⁸⁸ CD3.48, CD3.49; CD3.50; CD3.51

¹⁸⁹ HL/1/1 paragraphs 5.10 - 5.14; CD3.48; CD3.50 page 12 (column 4, bullets 1 & 2)

¹⁹⁰ HL/1/1 paragraphs 5.15 - 5.19; CD6.19 page 19 bullet 9; CD3.51

Landscape Character Areas

- 3.37 The landscape character analysis undertaken on behalf of the appellant mirrors closely the work undertaken by the Council (albeit with different results) and its reliance on the Jacobs Landscape Character Assessment work undertaken for the District and County Councils.¹⁹¹
- 3.38 About 70% of the site lies within the Hulcott Vale Landscape Character Area. Its condition is described as moderate and its sensitivity to development as low. The guidelines seek the re-planting of hedgerows and hedgerow trees, and the creation of new blocks of woodland to enhance the landscape structure and screen suburban edges and road corridors.
- 3.39 The minority (approximately 30%) of the site is in the Bierton Ridge Landscape Character Area. Its condition is described as good and sensitivity to development as moderate. The assessment concludes that the character of the area should be conserved and reinforced using guidelines which require (inter alia) the creation of *new woodland copses to encourage ecological diversity, habitat creation and to generate visual interest by introducing local landmark features*.
- 3.40 The characteristics or sensitivities of a particular character area will inevitably vary, for example, as the western portions of the site come under the influence of the modern Watermead development. Indeed, within the Hulcott Vale Landscape Character Area, the first listed intrusive element is the *'suburban edge to Aylesbury/Bierton'*.
- 3.41 These assessments clearly indicate that the character of these areas is suffering from a lack of tree cover, occasioned by Dutch elm disease and a failure to replant old hedgerow and copse trees in the 20th century. This suggests the potential for extensive new planting on a substantial scale without giving rise to harmful impacts on landscape character.
- 3.42 New planting would inevitably require sensitivity and care, which could be controlled by an appropriate landscaping condition.¹⁹² In this regard, the Parameters Plan should not be interpreted as providing exact shapes and without consideration of the intention to provide bespoke planting proposals, with a wide variety of species, densities, heights, maturity, as well as advance planting where this is called for.
- 3.43 The effects of the development are shown from a variety of public vantage points using computer generated images.¹⁹³ It cannot be said that the effect of these proposals on landscape character would be harmful to either of the component landscape character areas.

Landscape character and visual resources

- 3.44 In terms of visual effects, one of the key characteristics which must be borne in mind is the remarkably limited visibility of this extensive site. It

¹⁹¹ CD3.44; CD3.45; CD3.46

¹⁹² CD2.21 Draft condition 13g

¹⁹³ HL1/2 Appendix A

is subject only to 2 public rights of way, only one of which is a through route. To the north and east, the nearest public right of way runs beyond Great Lane before looping north at some distance from the part of the site proposed for built development.

- 3.45 It is accepted that there would be distant views of development parcels from this footpath, in the form of a low-rise edge assimilated by structural planting; with agreement on the degree to which the development would be visible on the horizon (vantage point V).¹⁹⁴ Concerns about the development overtopping or spilling over the Bierton ridge spur are overstated, in that this very gentle shoulder of land is no more than a minor topographical feature. Moreover, given the planting proposed and the lack of wider public appreciation, it would be illogical to constrain much needed housing numbers on this basis.
- 3.46 The nearest named long distance rural footpath, the Aylesbury Ring, is some distance to the north-east of the appeal site, from where the appeal proposals would be seen in the distance against the backdrop of the existing urban edge of Aylesbury.
- 3.47 The Landscape and Visual Impact Assessment considers the ability of the appeal site to accommodate change as presented by the Parameters Plan. The process reveals that the visual envelope of the appeal site is restricted by Weedon ridge, Bierton ridge and the built form of Bierton and Aylesbury. The network of overlapping hedgerows within the valley, in addition to woodland at Evelyn's Patch, provides further containment and assistance in filtering views across the landscape.¹⁹⁵
- 3.48 The clearest views of the appeal site are either within the site itself (the internal public footpath) with the backdrop of built development or from the interfacing edges of Watermead and Bierton but, generally, not from within those settlements. Outward views from Weedon are often contained; but, for those properties with a more open outlook, the aspect is extensive and the appeal site is seen against the backdrop of Aylesbury.¹⁹⁶
- 3.49 Overall, the appeal site is a landscape that is potentially tolerant of change and would be able to absorb development of the type and scale proposed, without leading to unacceptable landscape harm.¹⁹⁷

Landscape and visual impact

- 3.50 It is inevitable that the development of any greenfield site for housing will result in some immediate adverse effects. However, the Landscape and Visual Impact Assessment concludes, in terms of landscape character and visual amenity, that the initial moderate adverse effects would reduce in the long term to minor adverse on account of the mitigation provided by

¹⁹⁴ HL/1/1 paragraph 7.22; HL/1/11

¹⁹⁵ HL/1/1 paragraphs 6.1 - 6.3(10)

¹⁹⁶ HL/1/1 paragraph 6.3(11) - (13)

¹⁹⁷ HL/1/1 paragraph 6.3(14)

- the proposed green infrastructure framework. The context is very much an 'everyday' landscape on the edge of an urban area which cannot be considered to be 'valued' within the meaning of the Framework.¹⁹⁸
- 3.51 In this regard, the site is not identified as being of any designated value; and it did not score highly in the assessment of candidate areas of sensitive landscapes in 2008. Moreover, some 75% of the site lies within a landscape of 'low' sensitivity. A recent appeal decision, dealing with the concept of value as it applies in the Framework, expressed the opinion that: - '..... to be valued would require the site to show some demonstrable physical attribute rather than just popularity'. Overall, the appeal proposal would sit comfortably in its surroundings; and there is no reason why residential development, albeit different, would be harmful.¹⁹⁹
- 3.52 As to visibility, the relationship with Watermead would see new built development set behind a corridor of continuous greenspace, 25 metres wide, with views from existing dwellings filtered and softened by new tree and hedgerow planting. Most residents of Bierton would not have views of the development due to topography; and to the limited extent that new houses would be visible along the A418, the overall context would be urban with relatively modern properties fronting Bierton Road.²⁰⁰
- 3.53 For those living in or off Great Lane, and for those travelling along the lane beyond existing development, the proposed parks and sports fields, behind new woodland planting, would provide good separation and filtering of views. Although a small number of properties in East End, Weedon, and users of public rights of way from the ridge would have open panoramic views across the valley, impacts would be diluted by distance, topography and planting and the association with Aylesbury.²⁰¹
- 3.54 Photomontages of the proposed development at year one and year 15 demonstrate, from the very outset, that the impact of the development, when viewed from the direction of Weedon, would be very limited and the overall panorama of the valley landscape would not be affected to a significant degree.²⁰²
- 3.55 In terms of the value placed by the community on the landscape of the appeal site, only a small number of properties have outlook over the site; there is limited public access with only one meaningful public right of way; and there is no evidence of the appeal site being a place of widespread public resort for recreational purposes. Accordingly, as a matter of fact and degree, it would seem unlikely that there is an element of public use and interaction with the appeal site sufficient to found a judgment that it is a 'valued landscape'. The limited public interest through attendance at the Inquiry is telling.

¹⁹⁸ HL/1/1 paragraphs 7.1 - 7.8; CD4.1 paragraph 109

¹⁹⁹ HL/1/1 paragraphs 7.9 - 7.18; HL/1/2 Figures 12 - 14, 20 - 24; CD3.45 pages 3 & 43; CD5.12 paragraph 22; CD5.18 paragraph 18

²⁰⁰ HL/1/1 paragraphs 7.19 & 7.20; HL/1/2 Photographs 10 - 12, Figure 22

²⁰¹ HL/1/1 paragraphs 7.21 & 7.22; HL/1/2 Figure 9 viewpoints B - E, F1; Figures 29, 32, 35, 38 & 41

²⁰² HL/1/1 paragraphs 7.23 - 7.26; HL/1/2 Figures 29 - 43

Summary

- 3.56 Whilst it is fully accepted that there would be an unavoidable impact on the character and appearance of the appeal site and its immediate context, there is nothing about this impact which sets it apart from other impacts of similar sized development at urban edge locations. Indeed, the impacts would be relatively well contained and would not be experienced over a wide area. If impacts of this nature are regarded as fundamentally unacceptable, then there is little prospect of ever meeting the urgent housing needs identified above.
- 3.57 Moreover, good design has been a key objective through the evolution of the scheme. Related aims are to promote an inclusive community and strengthen and enhance the existing landscape and ecological framework. Overall, the proposal would be compliant with Policies GP.35 and RA.2 of the Aylesbury Vale District Local Plan; and consistent with the environmental protection aspirations of the Framework.²⁰³

The third main consideration: the setting, identity and historic context of adjacent settlements

Setting and identity

- 3.58 Bierton is a long linear settlement and, like many villages, it has expanded from its historic core with old and new buildings intermingling with each other. Its distinctive character is defined by the historic core near Saint James Church and to the east of the church along Aylesbury Road. The Council's Conservation Officer concluded that the proposal was unlikely to have a material impact on views from the Conservation Area or on its setting.²⁰⁴
- 3.59 Given the form of existing linear development, save for a rather small insignificant gap, Bierton and the urban area of Aylesbury are, more or less, already physically connected. The majority of the village has a greater relationship with the landscape to the south; and the sense of containment and separation would be strengthened by the proposed Bierton Park and Great Lane Park, on the higher part of the appeal site, with consequential recreational benefits for Bierton.²⁰⁵
- 3.60 The proposed scheme would also address the rather abrupt edge to Watermead with Thame Park and Great Lane Park providing a more sympathetic transition into the surrounding landscape; and new walking and cycling routes would provide increased access to the wider countryside and connections into Watermead, Aylesbury and Bierton.²⁰⁶
- 3.61 The Council's case presumes that coalescence would lead to harm to the identity and character of Bierton and Watermead. However, Bierton has experienced significant development which has brought together a number

²⁰³ HL/1/1 paragraphs 8.1 - 8.13

²⁰⁴ HL/1/1 paragraphs 7.33 - 7.35; HL/1/2 Figures 26 & 27

²⁰⁵ HL/1/1 paragraphs 7.36 & 7.37; HL/1/2 Figures 4, 8 & 45

²⁰⁶ HL/1/1 paragraphs 7.38 & 7.39; HL/1/2 Figures 20 & 21

of areas within the village which were once separate; it has grown with a number of relatively modern edges; but, it retains its character and identity. The narrow gap which remains between Aylesbury and Bierton would not be affected by the proposals.²⁰⁷

- 3.62 Behind the A418 road frontage, it is acknowledged that the appeal proposals would occupy land which presently serves, at least in part, to maintain separation in the 'hinterland' between the urban edge of Watermead and the 20th century development served from Great Lane, Bierton. However, Bierton Park, following agreement on its landscape treatment and use, would serve to maintain separation in the form of a rural buffer between the settlements.
- 3.63 However, there can be no doubt that the appeal proposal would give rise to an increased impression of coalescence at this point, on entering the appeal site. Nonetheless, the extent to which that might be harmful to the character of either settlement has to be balanced with the aim of creating a sustainable urban extension to meet urgent housing needs.
- 3.64 Moreover, the proposed development would have a high quality green edge, with an extensive buffer with Bierton, and, as a major benefit, effective and permanent transition between urban form and countryside. Notwithstanding the greater scale of the (withdrawn) Core Strategy proposals for growth around Aylesbury, the Inspector was satisfied that '*a buffer around Bierton would ensure that the proposed housing area would have no unacceptable impact on the historic centre of the village*'.
- 3.65 Indeed, the growth of Aylesbury, at Buckingham Park and Watermead, has not adversely affected the character and identity of the town; and, in terms of Watermead, the proposal would provide a better transition between town and country and a high quality accessible edge to the built-up area.²⁰⁸
- 3.66 Much of the debate centred on the point at which the appeal proposal would occupy the gap behind the ribbon of development on the A418, thus establishing a direct physical link - in plan form at least - between Watermead to the north via the southernmost development parcel to the ribbon of Bierton along the A418.
- 3.67 Given that the proposed development would maintain a significant open gap to the north of the A418, it is considered that the existing sense of the separation which this provides would be retained, especially as the point at which the development approaches Watermead would be deep into the site and would not be visible from the A418 (travelling due north-east).
- 3.68 During the course of the Inquiry it was established that the Council considered that the removal of the whole of the first development parcel, adjacent to the A418, would be necessary to address the coalescence objection. Whilst the appellant does not agree, it nonetheless offered, by

²⁰⁷ HL/3/1 paragraphs 5.31 - 5.35

²⁰⁸ HL/3/1 paragraphs 5.36 - 5.40

way of condition and an accompanying plan, the option of allowing for the exclusion of one or both of 2 development parcels on the southern and south-eastern edges of the proposed housing development area.²⁰⁹

- 3.69 It is agreed that such a condition would be capable of meeting the relevant tests; and the Council does not suggest that the residential densities which would result would be out with the density (approximately 35 dwellings per hectare) for which permission is sought. It is noted that a similar type of condition was considered appropriate in the Hampden Fields appeal.²¹⁰

The historic context

- 3.70 Parliamentary field enclosure was widespread across the English countryside during the eighteenth and nineteenth centuries and it is commonplace around Aylesbury and elsewhere. It is accepted that the fields within the appeal site were formed following Parliamentary enclosure but the same could be said for most of the fields in the county.
- 3.71 The true nature and special significance of the Berton enclosures is clear from the Berton Conservation Area Appraisal which points to the strips within the Conservation Area as being of particular significance. Indeed, the designated area was extended to include *'the locally important field systems'* at the northern end of the village which are described as *'distinctive'*. By contrast, there is nothing remarkable or distinctive about the fields on the appeal site.²¹¹
- 3.72 Thus, any harm would be, at worst, the minor loss of features which are common. Although there would be limited disruption of the hedgerow pattern in the southern part of the appeal site, to accommodate, principally, the Main Link Road, none of the hedges are of ecological importance and there would be longer term benefits arising from the planting of new hedgerows and broadleaved trees.
- 3.73 Indeed, some 90% of the hedgerows within the site would be retained to form key components of the green infrastructure; and it would be possible, at reserved matters stage, to identify further lengths which could be retained.²¹² Whilst it is accepted that their original purpose would be lost, their historic alignment would remain.

Summary

- 3.74 The proposal is not for an opportunistic new island of development within the existing gap between Aylesbury and Berton, but rather a strategic development building upon principles established in the preparation of the (withdrawn) Core Strategy. Moreover, it would be fundamentally different to the unplanned, one-off, proposals which the Local Plan Inspector found to be unacceptable and in conflict with Policy RA.2.²¹³

²⁰⁹ HL/3/7 Appendix D (Drawing No 4962-L-121 rev B)

²¹⁰ CD7.14 (IR 9.440); HL/3/7 Appendices B & C

²¹¹ AV/4/8 pages 10, 14, 19 (map), 25 – 27 & 43

²¹² HL/1/1 paragraphs 7.28 - 7.31; HL/1/2 Figures 11 - 13; HL/3/1 paragraph 5.27 & 5.28; CD3.78

²¹³ HL/3/1 paragraphs 3.43 - 3.46

- 3.75 Whilst a degree of harm and an element of conflict with Policy RA.2, in relation to *'building upon open land that contributes to the form and character of rural settlements'*, has to be acknowledged, such factors have to be weighed in the balance with other material considerations.

The fourth main consideration: best and most versatile agricultural land

- 3.76 The majority (64 hectares) of the appeal site comprises moderate or poor quality agricultural land and, in most respects, it is typical of the locality. The grade 2 land, (19.5 hectares – 15.4% of the site) is mostly located in the southern part of the site; it is farmed as pasture; and a substantial proportion would be kept as open space within Birtton Park and would not be irreversibly lost to agricultural production. Sub-grade 3a land amounts to 36.1 hectares (30.5%).²¹⁴ Natural England accepts that, with an appropriate soils management condition, these lands would not be irreversibly lost, such that, if national needs so required, they could be farmed again.
- 3.77 The Environmental Statement assesses the significance of any adverse effects by attributing *'medium'* sensitivity to both local farm businesses and soil in terms of the national interest and a magnitude of *'medium'* based on the area concerned. It is acknowledged that the project would remove all land within the site from agricultural use, including 55 hectares of best and most versatile land, which would be a *'moderate adverse'* impact. However, approximately half of the latter would be open greenspace with the potential to retain land quality which would reduce the overall adverse impact on the agricultural land resource to *'minor adverse'*.²¹⁵
- 3.78 In terms of the impact on agricultural users, the only owner-occupier manages and farms the land with difficulty from a distance; others farm the land on short-term arrangements; and the 31 hectares rented by Grendon Hill Farm, over a period of some 20 years, is a small element of a wider ownership of family land. The overall impact on farm businesses would be *'negligible'*.²¹⁶
- 3.79 Project design measures and appropriate handling of soils are aimed at avoiding or reducing the main effects of construction on soil and land functions. The effect on soil ecosystems would be *'moderate to major adverse'* in built areas; and *'beneficial to minor adverse'* in landscaped areas taking into account the range of biodiversity features to be provided.²¹⁷
- 3.80 Having regard to the very limited nature of the loss to permanent development, and the scale of housing growth required in Aylesbury, relatively little weight should be afforded to this factor in the overall planning balance. Support is drawn from the Core Strategy Inspector's interim report, and the reference to 2 sites containing grade 2 land; but

²¹⁴ HL/3/1 paragraphs 5.19 & 5.20; CD1.9 Chapter 15 Table 15.5; CD1.22 paragraph 10.75

²¹⁵ CD1.9 Chapter 15 paragraphs 2.6 - 7.3

²¹⁶ CD1.9 Chapter 15 paragraphs 7.4 - 9.1

²¹⁷ CD1.9 Chapter 15 pages 261 - 263

finding, in general, that *'the agricultural quality of the land in the option sites would not be a determinative factor'*.²¹⁸

- 3.81 For the avoidance of doubt, the Council does not suggest that this matter amounts to more than a factor to weigh in the balance.²¹⁹ Moreover, the authority has not called any agricultural evidence to advance a positive case for the retention of the best and most versatile agricultural land within the site; and little value is gained by the Council's exercise of drawing on appeal decisions relating to much smaller sites with far fewer benefits. Indeed, there is no such linear relationship between the size of any loss and the weight to be attached to that loss.

The fifth main consideration: mix of uses and sustainability

- 3.82 There is no requirement or expectation in either the development plan or the Framework for large scale developments, including urban extensions, to include dedicated employment land. The proposal would, in any event, provide employment during construction and thereafter in the local centre, primary school, children's nursery and those residents working from home. More importantly, the site is strategically and well connected to the centre of Aylesbury and other key employment locations within and adjoining the town.²²⁰
- 3.83 In economic terms, Buckinghamshire and Aylesbury Vale perform well against national measures and, in most cases, against those of the South East region. Between 2008 and 2012 commercial floorspace in the Vale grew by 43,000 square metres; and the 2 Local Enterprise Partnerships covering the area²²¹ are promoting ambitious employment growth strategies with the Strategic Economic Plan for the South East Midlands Local Enterprise Partnership targeting the creation of 11,000 new jobs across the Partnership Area as a whole by 2021 including: -
- (a) between 700 jobs at Arla Dairy, to the south-east of Aylesbury;
 - (b) 400 jobs as a result of development at Waterside, in the centre of Aylesbury;
 - (c) 6,417 jobs at Kingsbrook; and
 - (d) 8,400 jobs at Silverstone.
- 3.84 A range of high quality premises and development opportunities are also available at other key locations in the Vale. The Council's Employment Monitoring Factsheet 2013 also illustrates the substantial scale of commitments with the expectation of gaining over 1,161,770 square metres of employment space over the period 2011 - 2031.²²²
- 3.85 The appeal site is well located with good access to a number of these potential employment locations and also to the town centre, which is an

²¹⁸ HL/3.1 paragraphs 5.21 & 5.22; CD3.57 paragraph 12

²¹⁹ AV/4/19 paragraph 1.43

²²⁰ HL/3.1 paragraphs 5.51 - 5.53

²²¹ Buckinghamshire Thames Valley Local Enterprise Partnership and South East Midlands Local Enterprise Partnership

²²² HL/3/1 paragraphs 5.54 - 5.58; CD3.29; CD3.54; CD3.81; CD3.82; CD3.83 page 11

important employment and service location, where ongoing renaissance is seen as a '*central plank*' of the economic development strategy. As robust economic strategies and initiatives are in place, aimed at realising the economic potential of the district, there is no need to make provision for dedicated employment land within the proposed development which could, in any event, run the risk of undermining investment in the town centre.²²³ Moreover, it is to be noted that the business provision at Berryfields has not been taken up, casting doubt over the demand for such floorspace in Aylesbury's new residential neighbourhoods.

- 3.86 The proposed development, with the construction of a range of new homes, would reinforce the local labour market and the attractiveness of the town as an employment location; and provide an increased catchment population to shops and services in the town centre and, to a lesser degree, in the immediate locality. Additionally, the Framework explicitly acknowledges that the delivery of new homes contributes directly to local economic activity and growth. Equally, Planning Practice Guidance expresses anxiety that the resilience of local businesses will be undermined where housing provision does not allow the working age population to expand in line with the growth of employment.²²⁴

Summary

- 3.87 In summary, there is no policy or practical case for requiring a greater proportion of employment land on the appeal site. The site benefits from convenient access to the town centre and by sustainable transport modes; and no comparison can be drawn with the failed proposals at either Quarrendon Fields or Fleet Marston, where such considerations were materially different. On this basis, the absence of an unspecified quantum of employment floorspace should not weigh against the proposal.

The sixth main consideration: highways and transportation

Introduction

- 3.88 It is inevitable that a development of the size proposed would generate additional trips on the highway network. In this case it is agreed that the impacts across the network as a whole would be beneficial, even before individual junction mitigation is taken into account.²²⁵
- 3.89 In this regard the following are of particular importance: -
- (a) the A418 through Bierton would operate within capacity under 2021 baseline and with development traffic flows as a result of lower flows through Bierton after the opening of the northern section of the Eastern Link Road and the Stocklake Link;²²⁶
 - (b) increased degrees of saturation and queue lengths at the A418/Douglas Road/Elmhurst Road (A4157) roundabout with the development in place; and adverse impact at the Bierton Road/Cambridge Street/Park Street junction

²²³ HL/3/1 paragraphs 5.59 - 5.61; CD3.54 paragraphs 6.35 - 6.37

²²⁴ HL/3/1 paragraphs 5.62 - 5.65

²²⁵ CD2.16

²²⁶ HL/4/5 paragraph 4.7

would occur, but mitigation would result in both junctions operating within capacity and better than 2021 baseline traffic flows;²²⁷ and

- (c) although the development would result in a significant increase in queue lengths at A41/Griffin Way junction (a junction which would be over-capacity under 2021 baseline traffic flows), the installation of signal controls would bring the junction within capacity (over and above the mitigation required to accommodate the development).²²⁸

3.90 In terms of potential adverse impacts on junctions, there would be some periodic increased saturation and queuing at the Oakfield Road/A41/King Edward Avenue junction and at the Stocklake/Douglas Road signals. However, any instance of increased saturation would be of marginal consequence and outweighed by the other improvements that would occur.²²⁹

3.91 At the close of the Inquiry, only one outstanding matter remained in regard to the proposed Main Link Road through the site, its resultant impacts on Bierton and its conflict with the strategy developed by Buckinghamshire County Council. However, it was confirmed that this would not be a sufficient reason, alone, to dismiss the appeal.²³⁰

3.92 In brief the following points are material:

- (a) there is no policy provision within the development plan or the Framework to support the Council's 'strategy';
- (b) although the concept of new link roads around the town flows from an abandoned Towards 2026 document, it is stamped '*Officer Draft Only*' with no apparent official status or democratic endorsement; and it relates to the (withdrawn) Core Strategy;²³¹
- (c) the (withdrawn) Core Strategy was considering a much greater volume of development than that now proposed; and it was also using a subsequently abandoned transport model which had far greater growth assumptions than the model in current use;²³²
- (d) even if policy support existed for the construction of a Northern Link Road, any offer made by the appellant towards its provision would not have met the Community Infrastructure Levy Regulation 122 tests or those in the Framework;
- (e) a safeguarding corridor for the route through the site could be provided if the need and funding for the link road were to be established at a future date; and
- (f) the signal controlled junctions at the junction of the Eastern Link Road/A418 and at the entrance to the appeal site from the A418 provide the means (via signal timings) of deterring traffic from routeing through Bierton and encouraging the use of alternative links to reach their destinations.

²²⁷ HL/4/5 paragraph 4.8

²²⁸ HL/4/5 paragraphs 4.9 – 4.13

²²⁹ CD2.16 Appendix A Tables 4 & 6; Appendix B sections 1 - 3

²³⁰ AV/5/10

²³¹ CD3.32b

²³² CD3.72 Table 8; CD3.79

Traffic flows and impacts

- 3.93 Observed traffic flows through Bierton (AM peak) show 1,129 passenger car units (PCUs) towards Aylesbury and 849 in the opposite direction. The development of Kingsbrook, with the construction of the Eastern Link Road and the Stocklake Link and traffic calming in Bierton, would reduce the above to 433 and 285 PCUs respectively. With the appeal proposal, these reduced flows would increase to 466 and 379 PCUs.
- 3.94 In the PM peak, existing flows are 763 PCUs inbound and 1,009 PCUs outbound; the above highway works would reduce flows to 350 and 531 PCUs; and with the development it would rise to 391 and 548 PCUs.²³³
- 3.95 These figures have to be considered with the following in mind: -
- (a) the A418 through Bierton has a design capacity of between 900 and 1,100 vehicles per hour in a single direction;²³⁴
 - (b) in the AM peak hour, queues at the junction of A418/Elmhurst Road/Douglas Road (A4157) roundabout, with mitigation, would reduce from an average of 73 PCUs (up to 190 PCUs maximum) to 16 PCUs with a clear improvement to junction capacity;²³⁵
 - (c) pedestrians crossing the A418 (where no specific crossing facilities are provided) would currently expect to experience average delays of 18.5 seconds (AM peak) and 15.4 seconds (PM peak); this would reduce to 3.3/4.4 seconds in 2021 without the development and 3.9/5.0 seconds with it; the respective figures for those using the pelican crossing are 13.2/11.9 seconds, 6.8/7.2 seconds and 7.1/7.5 seconds; and the highway authority accepts that the effect of the development in increasing pedestrian crossing times would be negligible;²³⁶
 - (d) two-way traffic flows, across the peak hours, in the centre of Bierton, at 2021, are modelled to reduce by 57.4% (without the development) and by 52.4% with the project – the difference would be negligible;²³⁷ and
 - (e) impacts of the project on air quality and noise would also be negligible.²³⁸

The Northern Link Road

- 3.96 By way of background, the Aylesbury Vale District Local Plan (2004) proposed a Major Development Area at Broughton Stocklake (Land East of Aylesbury). It included the provision of an Eastern Link Road and the Stocklake Link in conjunction with development to the east of Aylesbury. The road was intended to serve the development itself and also to *'provide traffic relief to Bierton village and the A41 Tring Road, creating an alternative route to the town centre, and potentially provide localised air quality improvements through reduced congestion.....'*. Although the proposal was not supported by the Local Plan Inspector, he raised no issue with the highway proposals.²³⁹

²³³ HL/4/5 paragraphs 5.4 – 5.17

²³⁴ HL/4/5 paragraph 5.19

²³⁵ HL/4/5 paragraphs 5.20 – 5.21

²³⁶ HL/4/5 paragraphs 5.22 – 5.26; CD2.13 paragraph 8.9

²³⁷ HL/4/5 paragraphs 5.27 – 5.30

²³⁸ HL/4/5 paragraphs 5.30 – 5.34

²³⁹ HL/4/5 paragraph 6.3

- 3.97 However, following the grant of planning permission for Kingsbrook, the envisaged highway improvements will be secured as part of a wider project: - *'In March 2014, Buckinghamshire Thames Valley Local Economic Partnership, in conjunction with Buckinghamshire County Council secured £44 million of funding through the Local Growth Deal to take forward major infrastructure schemes, including transport and highway enhancements two transport priorities have been identified – the Stocklake Link Road (Urban) and the Aylesbury Eastern Link Road (South). These two arcs of the transport network will be delivered in conjunction with two other transport infrastructure projects that are being funded by the Aylesbury East Barratt Homes development. The Eastern Link Road (north) and the Stocklake Link Road (rural) will both be provided by Barratts as part of their planning obligations. Taken together these four sections will link into one core development programme designed to drive regeneration and infrastructure provision in the East of Aylesbury'.*²⁴⁰
- 3.98 The provision of a Northern Link Road does not have the same status as the Eastern Link Road in that it was first identified in the (withdrawn) Core Strategy evidence base to accompany development to the north-east of Aylesbury; and the related Growth Arc Masterplan and Delivery Supplementary Planning Document Consultation Draft was withdrawn as part of the failed Core Strategy.²⁴¹
- 3.99 Although it was indicated that the Northern Link Road would carry significant traffic flows by 2026, it remained unclear as to whether or not this would be local or strategic traffic. Moreover, the more recent modelling for the (withdrawn) Vale of Aylesbury Plan, in considering large scale development in this area, concluded that a link road between the A413 and the A418 would serve primarily to access the development rather than carrying through traffic. This is supported by the phasing plan which would have permitted the construction and occupation of the first 1,500 units on the site without the full construction of the Link Road.²⁴²
- 3.100 In policy terms, there is no adopted policy to support the provision of a link road between the A413 and the A418; and the modelling undertaken in the Transport Assessment shows that a development of the scale proposed would not, in the absence of a Northern Link Road, result in a severe residual cumulative impact.²⁴³

Summary

- 3.101 Overall, the agreed *'with development'* model outputs show that minimal flows would be drawn through Bierton at 2021, which is before the full beneficial effects of the Eastern Link Road would be felt. Although these would present small increases over the *'without development'* flows, peak hour flows through Bierton would remain broadly half of current traffic levels and well within and below the accepted capacity of the carriageway.

²⁴⁰ HL/4/5 paragraphs 6.4 - 6.11

²⁴¹ HL/4/5 paragraphs 6.12 - 6.16

²⁴² HL/4/5 paragraphs 6.17 - 6.19

²⁴³ HL/4/5 paragraph 6.60

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- 3.102 It follows that there is nothing left of any substance in the highways and transportation objection. On the contrary, net benefits would be achieved across the network, resulting from the relief provided to the A413 and its signal controlled junction with Weedon Road/Elmhurst Road (A4157).

The seventh main consideration: flooding²⁴⁴

- 3.103 The planning application was supported by a Flood Risk Assessment which was accepted by the Environment Agency; and the Council's Engineering section confirmed that, with the proposed use of a variety of sustainable drainage techniques, there were no objections on surface water grounds. It is to be noted that all built development, with the exception of the proposed road leading into the site from the A413 (designated as essential infrastructure), would be located within Flood Zone 1 and outside both the 1 in 100 and 1 in 1,000 year flood events.²⁴⁵
- 3.104 In terms of applying the Sequential Test, the Flood Risk Assessment compares the site with other locations mooted for strategic housing development in the (withdrawn) Core Strategy and concludes that there is no other reasonably available site in an area with a lower probability of flooding; and the appeal proposal would offer a wider flood risk benefit by significantly reducing the rate of run-off, by some 72%. The Council's committee report confirms: - *'..... it is difficult to argue that there are reasonably available alternative sites in areas with a lower probability of flooding particularly as the higher flood risk zones relate to a small proportion of the site The Sequential Test and Exception Test has also been carried out and is considered satisfactory.'*²⁴⁶
- 3.105 The Framework explains that, for the Exception Test to be passed: - *'it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.'*²⁴⁷
- 3.106 In this regard, the Flood Risk Assessment notes: - *'it is highly relevant that the flood risks apparent within Aylesbury were considered in the formulation of the Core Strategy and in the identification of the appeal site within the Strategic Flood Risk Assessment and the Water Cycle Strategy'* leading to the conclusion that the site *'was considered a highly suitable opportunity to provide much needed housing opportunities'*. On this basis, it may be concluded that: - *'the proposal fulfils the requirements of the Exception Test having been shown to deliver wider sustainability benefits to outweigh a flood risk that was taken fully into account at the strategic scale.'*²⁴⁸

²⁴⁴ The relevant witness was not called; however, HL/2/1 - HL/2/4 remained before the Inquiry
²⁴⁵ HL/2/1 paragraphs 3.1 - 3.5, 3.11; CD1.10; CD1.27b; CD1.27c
²⁴⁶ HL/2/1 paragraphs 3.6 - 3.10; CD1.10 paragraphs 3.48 - 3.58; CD1.22 paragraphs 10.144 - 10.152
²⁴⁷ CD4.1 paragraph 102
²⁴⁸ CD1.10 paragraph 3.1(a)

- 3.107 The Flood Risk Assessment assesses the development to be safe and confirms the implementation of a scheme of sustainable drainage systems across the site in accordance with local and national policy. Firstly, it is proposed to introduce source control measures to reduce the amount of run-off into piped drainage systems; and, secondly, to provide attenuation which would include storage channels along the western boundary of the site and a detention basin to the north. It has been shown, by calculation, that the peak discharge of storm water from the site would be less than the run-off from the site in its current condition and thus exceed the requirements of national guidance.²⁴⁹
- 3.108 Specifically, the re-engineered drainage channel along the western boundary of the site would collect storm water and carry it away from existing properties on the edge of Watermead and improve existing conditions. Moreover, with an anticipated 72% reduction in peak run-off and attenuated discharges to the River Thames, the proposal would deliver very valuable flood risk betterment along the River Thames corridor north of Aylesbury, including Watermead. In terms of road construction and associated engineering works within the floodplain, the proposed detention basin would provide compensation with an added 20% increase in flood storage. Whilst it is acknowledged that the betterment to Watermead might not fully mitigate existing problems, it would deliver valuable improvements which would, otherwise, be unlikely to be achieved.²⁵⁰

The eighth main consideration: conditions and obligations

- 3.109 At the close of the Inquiry a schedule of draft conditions had been agreed.²⁵¹ Bilateral obligations with both the District Council and the County Council meet in full the Community Infrastructure Levy compliant requests for contributions. There are no outstanding matters. The significance and the substance of the agreed obligations should be given due weight.

The ninth main consideration: the planning balance

Other matters

- 3.110 Whilst the main concerns raised by local residents and Parish Council consultation replies have been covered above, several additional points are addressed for completeness: -
- (a) in the absence of an up-to-date adopted local plan, the scheme was lodged in response to a substantial unmet housing need, consistent with the Framework;²⁵²
 - (b) there are no objections on wildlife grounds, drainage and flooding, noise, air quality and archaeology by any statutory consultee;

²⁴⁹ CD1.10 paragraphs 4.1 - 4.38

²⁵⁰ CD1.10 paragraphs 3.1(b) & 4.8; HL/2/1 paragraphs 3.31 - 3.36, 3.49, 3.52; HL/2/4 paragraphs 2.2 - 2.6 & 3.1 - 3.3

²⁵¹ CD2.21

²⁵² HL/3/1 paragraphs 5.71 - 5.75; CD1.22

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- (c) local services and facilities would be provided within the local centre and where necessary, off-site provision would be secured through a financial contribution within a planning obligation;
 - (d) the risk of additional crime in Watermead, as a result of walking and cycling links from the proposed development, appears unlikely;²⁵³ and
 - (e) in terms of public consultation, a public exhibition was held prior to the submission of the first proposal which, through the application process, attracted a number of responses; and the second application, in seeking to address the reasons given in the refusal of its predecessor, was submitted with the benefit of previously expressed views to a largely identical, application.²⁵⁴

Conclusion

- 3.111 The appeal proposal offers a significant number of important benefits consistent with the 3 dimensions of sustainable development. Whilst potential adverse impacts have also been identified, in particular to the countryside and to the existing setting of Berton, these do not displace the earlier and emphatic conclusion in relation to the sustainability credentials of the scheme.
- 3.112 In tandem with this conclusion, the appellant's case is that the acknowledged adverse impacts of the proposed development do not significantly and demonstrably outweigh the very substantial benefits of the proposals. This conclusion is reinforced by:-
- (a) the monumental task that the district faces in respect of its housing needs;
 - (b) options are notoriously limited by a range of constraints;
 - (c) other proposals of a significant scale have met without success in the recent past; and
 - (d) the proposal offers a real opportunity to deliver a well located new community for Aylesbury, well positioned in relation to the town centre and offering a major element of green infrastructure for the town.
- 3.113 To the extent that it is decided that there is conflict with either of the remnant policies, Policies GP.35 and RA.2, the decision taker is invited to expressly find that any such conflict is tempered by the age of the plan and outweighed by the approach to be taken in paragraph 14 of the Framework.²⁵⁵

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²⁵³ HL/3/1 paragraphs 5.76 - 5.83; CD2.6

²⁵⁴ HL/3/1 paragraphs 5.84 - 5.88

²⁵⁵ HL/3/1 paragraphs 3.43 - 3.46

4. The Cases for the Rule 6 Parties

Representations made at the Inquiry

Barwood Land and Estates Limited

Introduction and policy approach

- 4.1 The proposal is an ill-conceived extension to Watermead, lacking the integrated approach, breadth of infrastructure and benefits necessary to support its claims as a sustainable development; and a proposal of the wrong kind in the wrong location.
- 4.2 Moreover, the way in which the proposal has evolved during the course of the Inquiry, with particular reference to the highways and transportation evidence, has been fundamentally unsatisfactory with an inadequate opportunity to consider the implications of the revised proposals.
- 4.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004, affirmed by the Framework, provides that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.²⁵⁶
- 4.4 Although the policies for the supply of housing in the Aylesbury Vale District Local Plan are out-of-date, Policies RA.2 and GP.35, which are applicable to outline planning applications, remain relevant and are to be given weight according to their level of consistency with the Framework. The aims of Policy RA.2, in seeking to avoid the coalescence of settlements and to protect open land which contributes to the form and character of settlements, finds support in the Framework.²⁵⁷
- 4.5 The Vale of Aylesbury Local Plan is at an early evidence gathering stage in the plan preparation process; and no weight attaches.²⁵⁸ The policy basis for decision-making is therefore the saved policies of the development plan with the policies of the Framework taken as a whole.

The first main consideration: housing land supply

- 4.6 This is not a matter which is addressed by Barwood.²⁵⁹

The second main consideration: landscape

Introduction

- 4.7 The fundamental concern in relation to the expansion of Aylesbury is the need to protect the character and setting of the historic and characteristic surrounding villages and of Aylesbury itself. The distinct outlying settlements, and their clear sense of place, owe much to their landscape setting and separation from Aylesbury.²⁶⁰

²⁵⁶ BL/MT/5.1 paragraphs 2.1 – 2.18; CD4.1 paragraphs 2, 11 & 210

²⁵⁷ CD4.1 paragraphs 17, 60, 126 & 131; CD5.35; BL/MT/5.3 section 3; CD7.14 (IR 9.141 – 9.144) CD3.16

²⁵⁹ BL/MT5.1 paragraphs 1.13 & 1.14

²⁶⁰ BL/CB/1.1 paragraphs 2.1 - 2.5; CD7.5

- 4.8 The publication of the Taylor Review acknowledged the need to provide new housing without compounding the trend of settlement expansion on to neighbouring fields, which were of value to the local community, and to adopt a *'hub and spoke'* approach to the expansion of market towns in order to protect local identity.²⁶¹
- 4.9 In turn, the Framework explains that the planning system should contribute to and enhance the natural and local environment by *'protecting and enhancing valued landscapes*'; and Landscape Character Assessment: Guidance for England and Scotland (2002) notes: - *'..... a landscape may be valued by different communities of interest for many different reasons without any formal designation*'. It is clear that the value of a landscape to a community goes beyond designation, quality or condition.²⁶²
- 4.10 Further, Policy RA.2 is critical in understanding the value of the appeal site and the associated landscape; and the omission of this policy from Hallam's Landscape and Visual Impact Assessment is a fundamental failing.²⁶³

Landscape and visual impact

Landscape effects

- 4.11 Guidelines for Landscape and Visual Impact Assessment present a range of objective factors to assist in the identification of valued landscapes and the manner in which an assessment should be undertaken in a transparent way.²⁶⁴ However, the appellant's approach had a number of deficiencies: -
- (a) the appellant's landscape witness was involved in both the preparation of the masterplan and the assessment which casts doubt on impartiality;
 - (b) there was no external input to the preparation of the assessment or discussion of its analysis and findings with the planning authority through the pre-application processes;
 - (c) Policy RA.2 was not addressed with a consequent lack of awareness as to the value of the landscape and the importance of protecting the separate identities of Aylesbury and Birtton;
 - (d) the assessment, in common with the Design and Access Statement and the Environmental Statement, did not present a coherent and complete analysis of the appeal site's constraints; and
 - (e) the methodology lacked transparency and analysis and, for example, the characterisation of the site as *'an intensively farmed landscape'* ignored the different agricultural practices across the site (grazing and arable).²⁶⁵
- 4.12 A number of elements of the landscape baseline do not stand scrutiny in that, for example: -
- (a) the reference to the urbanising influence of Birtton takes no account of the variation in its influence;

²⁶¹ BL/CB/1.1 paragraphs 2.6 - 2.12; CD4.10

²⁶² BL/CB/1.1 paragraphs 2.13 - 2.19; CD4.1 paragraph 109

²⁶³ BL/CB/1.1 paragraphs 2.20 - 2.25; CD3.3

²⁶⁴ CD6.10 page 84 Box 5.1

²⁶⁵ BL/CB/1.1 paragraphs 3.2 - 3.10; BL/CB/1.2 Appendix 1

- (b) the use of the term '*urban edge*' (to the south and west of the site) is an over simplification; and
 - (c) no account is taken of the historic depth of the landscape and its perceptual qualities.
- 4.13 Accordingly, the overall conclusion that the landscape is '*..... considered to be of relatively limited value in landscape terms*' underplays its value as a resource and an asset of the community. It follows that the overall conclusion, that a development of the scale and type proposed could occur '*..... without leading to any unacceptable harm*', is misplaced.²⁶⁶
- 4.14 In terms of landscape condition, the local landscape reads and performs as a coherent sweep of land between the Weedon ridge and the Bierton ridge; and, in terms of field patterns and hedgerows, little has changed since Parliamentary enclosure. Although some of the hedgerows would be retained, they would be breached and their function and historic context would be lost amongst the development.²⁶⁷
- 4.15 Despite its proximity to the edge of Aylesbury, the scenic quality of the appeal site is strongly rural with outward views being closely associated with the landscape to the north across to Weedon and the Weedon ridge. Looking back from those locations, the open countryside in the foreground dominates the view with Aylesbury and Bierton forming a minor element in the overall composition. Development as proposed would diminish the landmark of the diminutive Bierton church tower; appear prominent on the intermediate skyline in the valley landscape; and the strongly rural and predominantly undeveloped landscape would be irrevocably urbanised.²⁶⁸
- 4.16 The appeal site has rarity value in that it is the only gap between Bierton and Aylesbury and it serves to preserve the distinct characteristics of the settlements not just from views along Bierton Road but also from local footpaths. The development of Kingsbrook will bring change to the southern edge of Bierton as open countryside is replaced by a managed landscape of buffer recreational uses. This will undoubtedly alter the perception of the landscape and the identity of the village which makes it the more important to retain the undeveloped landscape to the north of Bierton. The value of settlement identity was acknowledged by both the Local Plan Inspector and the Core Strategy Inspector.²⁶⁹
- 4.17 As to representativeness, the landscape, with its evident historic associations, is typical of the Hulcott Vale; there are no notable detractors; Bierton, as a village, is defined by its rural setting; and the development would either sever or erode its historic setting. The conservation interests within the site are self-evident, with well-preserved Parliamentary enclosures and ridge and furrow; and Great Lane is an ancient route with tranquil, rural qualities. The majority of these features would be

²⁶⁶ BL/CB/1.1 paragraphs 3.11 - 3.15; CD1.9, Chapter 8 paragraphs 6.5 & 9.2 - 9.5

²⁶⁷ BL/CB/1.1 paragraphs 3.16 - 3.17; BL/CB/1.2 Appendix 1

²⁶⁸ BL/CB/1.1 paragraphs 3.18 - 3.19; BL/CB/1.2 Photographs 1 & 2

²⁶⁹ BL/CB/1.1 paragraphs 3.20 - 3.24; BL/CB/1.2 Plan 3; CD3.57 paragraph 14

permanently lost to development; and, where retained, their functional context, value and significance would be eroded.²⁷⁰

4.18 Whilst it is accepted that the landscape is not '*wild*', built-development, where it exists, quickly gives way to a relatively tranquil and rural landscape and, within the vicinity of the River Thame, a strong sense of remoteness from Aylesbury. In this regard, the influence of Watermead is relatively localised, primarily due to its lower lying topography. It follows that the proposed development would erode the sense of remoteness and level of tranquillity both within the site and, in particular, through its influence on the open countryside in the direction of the Weedon ridge.²⁷¹

4.19 Overall, it can be concluded: -

- (a) the Landscape and Visual Impact Assessment underplays the value and quality of the landscape with overly general description and analysis of the character of the appeal site within the wider surrounding area in order to suggest that no harm would arise;
- (b) the historic and cultural identity of Bierton would be lost through the development of the appeal site, particularly the direct physical '*joining up*' of Bierton with Watermead;
- (c) the current landscape gap between Bierton and Aylesbury is all that remains of the open countryside in this location and protects the sense of place of Bierton as a distinct settlement from Aylesbury/Watermead; and
- (d) cumulatively, with the approved scheme at Kingsbrook, the development would result in Bierton being subsumed and swamped by the urban expansion of Aylesbury and the permanent loss of the value and distinct context of the village.

Visual effects

4.20 The approach to visual analysis in the Landscape and Visual Impact Assessment also raises a number of concerns: -

- (a) the zone of theoretical visibility covers a more limited area than it should do;
- (b) it is clear that all or part of the development would be potentially visible across a wide area and beyond that envisaged;
- (c) the visibility of the site, rather than the visibility of the buildings, is mapped;
- (d) it is more than apparent that the development of the appeal site would result in the loss of an open landscape when viewed from Weedon ridge with new development spilling north of Bierton ridge into the valley;²⁷² and
- (e) the visual effects of the scheme were assessed against an indicative layout (masterplan) rather than the relevant Parameters Plan; with particular significance for Viewpoint V and the conclusion reached that the proposed development would be visible on the skyline with obvious consequential effects on the landscape and the setting of both Aylesbury and Bierton.²⁷³

²⁷⁰ BL/CB/1.1 paragraphs 3.25 - 3.28; BL/CB/1.2 Appendix 1

²⁷¹ BL/CB/1.1 paragraphs 3.29 - 3.31; BL/CB/1.2 Photographs

²⁷² BL/CB/1.1 paragraphs 3.33 - 3.40; BL/CB/1.2 Plan 2; Photographs 1 & 2

²⁷³ HL/1/9; HL/1/10

- 4.21 Overall, as a result of landform and vegetation, the edge of Aylesbury formed by Watermead and Buckingham Park is well assimilated into the landscape. Bierton itself, apart from the landmark of the church, is largely shielded from view from Weedon. There is clear distinction between settlements with the appeal site providing a key and integral part in their separation. Development on the appeal site would result in the loss of an open landscape with buildings spilling north from Bierton into the valley.²⁷⁴
- 4.22 Although it is acknowledged that the appeal site is not within a formally designated landscape area, various appeal decisions have concluded that non-designated landscapes can have a value to the local community and that value can be harmed by the loss of intrinsic character and adverse effects on the landscape.²⁷⁵

Scheme design

Introduction

- 4.23 The Framework sets out a number of important considerations to ensure that new developments will, in short: -
- (a) function well and add to the overall quality of the area;
 - (b) establish a strong sense of place;
 - (c) incorporate an appropriate mix of uses;
 - (d) respond to local character and history;
 - (e) create safe and accessible environments;
 - (f) are visually attractive;
 - (g) promote or reinforce local distinctiveness;
 - (h) conserve and enhance the natural environment; and
 - (i) protect, sustain and enhance heritage assets.²⁷⁶
- 4.24 The Aylesbury Vale District Local Plan, in acknowledging the need for new house building, refers to the variation in the landscape across the district and the differing character of villages and recognises the need for new development to achieve local distinctiveness through Policy GP.35. The protection of open land that contributes to the form and character of rural settlements, and avoiding extensions to built up areas that might lead to coalescence between settlements, are objectives of Policy RA.2.²⁷⁷

Models for growth

- 4.25 Historically, the growth of existing towns has taken the form of adding another outward ring to the existing built-up area with the loss of defining countryside and coalescence of settlements. The Taylor Review promoted a move away from 'doughnut' development and set out a preference for

²⁷⁴ BL/CB/1.1 paragraphs 3.40 - 3.44

²⁷⁵ BL/MT/5.3 CD7.14; CD 5.35

²⁷⁶ BL/ML/2.2 paragraphs 2.1 - 2.4 & 2.22 - 2.27; BL/ML/2.3 Appendix 2 paragraphs 1.1 - 1.12; CD4.1 paragraphs 58, 60, 64, 109 & 126

²⁷⁷ BL/ML/2.3 Appendix 2 paragraphs 1.13 - 1.21; BL/ML/2.2 paragraphs 2.28 & 2.29

the creation of '*new neighbourhoods*' with their own identity secured by large intervening areas of quality open space. The appeal proposal, with a token green strip separating it from Watermead, would not achieve this goal; it would lack an identity of its own; and the defining green infrastructure of existing settlements, of utmost value to the community, would be lost.²⁷⁸

- 4.26 More recent work, rewarded as the winning entry in the Wolfson Prize, advocates the extension of existing towns through a '*snowflake model*' of distinct non-coalescing settlements with new garden neighbourhoods surrounded by open land.²⁷⁹

The context

- 4.27 Aylesbury draws much of its identity from its location in the Vale and its outer ring of settlements which in turn draw their individuality and identity from their landscape and separation from the town. However, the appellant has given insufficient regard to the wider context of the structural landscape and freestanding settlement pattern on this fringe of Aylesbury and, instead, focused on considerations relating to the site itself.²⁸⁰
- 4.28 The appeal site is made up of a series of elongated fields located to the north of the Bierton ridge which serve to provide landscape containment to the town. In turn, the intact field pattern has historic value and it provides a powerful link to the individual identity, definition and local distinctiveness of Bierton. Moreover, the nature of the open land forms an important separating buffer from the densely built-up edge of Watermead giving both Aylesbury and Bierton well-defined edges. It is also to be observed that despite ribbon development along the A418, the appeal site contributes to the clear landscape gap between the settlements.²⁸¹
- 4.29 Overall, the proposed scheme would not be a sustainable form of development in that: - the design overlooks the strategic constraints of the site; it underplays the value of the open landscape; it would lead to the loss of an important historic landscape; and development would compromise the setting of the historic village of Bierton.²⁸²

Urban design

- 4.30 The design of the scheme would compound the broader impacts identified above with, in places, built development directly on the site boundary either immediately adjacent to existing housing or forming a highly intrusive new urban edge to Aylesbury. The proposal would fail to respond sensitively to its urban fringe context by projecting development into the countryside at the expense of the existing clearly defined urban edge and

²⁷⁸ BL/ML/2.2 paragraphs 2.5 - 2.19; BL/ML/2.3 Appendix 3; CD 4.16; CD4.10 pages 3, 53, 55, 58, 62 & 63

²⁷⁹ BL/ML/2.2 paragraphs 2.20 - 2.21; CD 4.18 page 37

²⁸⁰ BL/ML/2.2 paragraphs 3.1 - 3.8

²⁸¹ BL/ML/2.2 paragraphs 3.9 - 3.12

²⁸² BL/ML/2.2 paragraph 3.13

the currently freestanding settlement of Bierton. Indeed, the aim to successfully integrate the proposed development with Watermead and Bierton would result in coalescence; and the formality of the green infrastructure, and its framing by existing and proposed development, would be perceived as a further agent of coalescence.²⁸³

- 4.31 The scheme itself would be residential-led with only a modest mix of other uses which would be insufficient to create a genuinely sustainable urban extension and a new self-contained neighbourhood. The appellant has chosen to proceed without any formal independent design review of the masterplan, despite encouragement in the Framework. It can be assumed that such a process would have exposed criticism of location, form and design. In combination, the proposal fails a key test of sustainability as set out in the Framework.²⁸⁴

The third main consideration: the setting, identity and historic context of adjacent settlements

Context

- 4.32 The historic settlement pattern of the ancient market town of Aylesbury, ringed by smaller villages, is well preserved. Although the settlement edges have expanded, the rural setting of these ancient places and their reliance on open fields remains. The pattern is significant from a cultural perspective which attaches great weight from the richness of the cultural heritage resource found across the Vale. The value gains in weight as the Framework encourages the reinforcement of community identity and local distinctiveness as contributors to sustainable development.²⁸⁵

Coalescence

- 4.33 The appellant conceded that the appeal scheme would fundamentally change the character of the appeal site and would cause coalescence between Bierton and Watermead. The 'late' offer to support a draft planning condition, removing parcels of land from development, shows the extent to which the appellant belatedly understood the importance of the open break between Aylesbury and Bierton along the A418 and the role of the appeal site as the remaining gap in development.²⁸⁶ However, such a condition would not provide an effective remedy; and it was indicative of a further endeavour to modify an ill prepared scheme.
- 4.34 Landscape buffers are proposed in an attempt to disguise the effects of coalescence. However, their urbanising form and character and their use by residents of Watermead and Bierton, as well as those from the new development, would have the practical effect of joining the respective communities. This comes as no surprise as it was, in any event, envisaged in the Design and Access Statement.²⁸⁷

²⁸³ BL/ML/2.2 paragraphs 4.1 - 4.8; CD1.8 pages 5, 9, 10, 34 & 84

²⁸⁴ BL/ML/2.2 paragraphs 4.9 - 4.14; CD4.1 paragraph 62

²⁸⁵ BL/CM/3.1 (within BL/CB/1.2) paragraphs 2.1 - 2.16

²⁸⁶ HL/3/7 paragraph 2.49

²⁸⁷ CD1.8 pages 9 & 44

The historic resource of Bierton

- 4.35 Bierton has an ancient history with settlement dating back to the Bronze and Iron Ages. Roman remains have been found and the village was probably in existence by the late Anglo Saxon period. The church, replacing an earlier building, is largely fourteenth century. The settlement pattern is particularly well preserved in the long, narrow closes stretching back behind the houses especially on the north side of the A418 between Brick Kiln Lane and Rowsham Road. Ridge and furrow, as a result of medieval and early modern ploughs, survives around the village, including on much of the appeal site.²⁸⁸
- 4.36 Enclosure of the open fields around Bierton took place as a result of an Act of Parliament in 1780 and was accompanied by further enclosure (or subdivision) during the nineteenth century. The link between the village and its productive fields, and the linear form of the settlement, remained and survives to the present day.²⁸⁹ In addition, the landscape of the appeal site and its surrounds forms part of a coherent sweep of open land between the Weedon ridge and the Bierton ridge which serves to provide landscape containment for Aylesbury.
- 4.37 The historic significance of Bierton has been recognised through the designation of a multi-part Conservation Area and the designation of some 20 listed buildings. The Aylesbury Vale Environmental Character Assessment (2006) highlighted the importance of Parliamentary enclosure within the landscape and the subtle distinctiveness and identity of the villages: - *'The landscape (at Bierton) is characterised by well-preserved parliamentary enclosure and probably little has changed since enclosure in 1780. The majority of enclosure boundaries endure because the fields are predominantly grassland for livestock farming; this land-use has also enabled the preservation of some fragments of ridge and furrow, which is of local significance'*.²⁹⁰
- 4.38 It is to be observed that the Core Strategy Inspector warned that new large scale development could swamp existing settlements; and the officer report to Committee, on the current scheme, indicated: - *'..... the proposal would affect the wider landscape setting of Bierton Conservation Area and listed buildings within it through major development within the parliamentary field enclosures associated with the village'*.
- 4.39 The linear nature of the settlement, with fields frequently glimpsed between the houses, reinforces the rural character of the village; and the distinctive pattern of Parliamentary enclosure is immediately recognisable from the A418, public footpaths and from the edge of Watermead. It is the more important as other areas of enclosure around Aylesbury have disappeared as a result of development.²⁹¹

²⁸⁸ BL/CM/3.1 paragraphs 3.1 - 3.4

²⁸⁹ BL/CM/3.1 paragraphs 3.5 - 3.8

²⁹⁰ BL/CM/3.1 paragraphs 3.9 - 3.11; CD3.78 pages 15 & 20; CD7.9

²⁹¹ BL/CM/3.1 paragraphs 3.12 - 3.17; CD3.57 paragraph 14; CD1.22 paragraph 10.108

Scheme assessment

- 4.40 It is notable that the Environmental Statement fails to consider the importance of the historic landscape and how it forms the setting of Bierton and its Conservation Area; and how the historic landscape relates to the setting of Aylesbury and its relationship to outlying settlements. The loss of an open landscape would erode the hierarchy of town and village; rob Bierton of its identity; and also compromise the stand-alone nature of Watermead. Although some Parliamentary enclosure period hedgerows would be retained, the effect of built development extending across the historic landscape would make it unlikely that anyone on the ground would recognise or understand their role in history.²⁹²
- 4.41 The effect of the development would compromise the underlying settlement structure of the Vale; undermine the setting of Bierton; and destroy historic field patterns. The consequence of coalescence, in addition to the impact of development at Kingsbrook (where ridge and furrow would also be lost), would lead to an almost total loss of Bierton's separate identity. Although the proposal has sought to mitigate impacts with green infrastructure and planting, the level of development and associated activity would have a dramatic and urbanising effect; and the experience of leaving a medieval village and entering open countryside would be lost.²⁹³

Conclusion

- 4.42 From a heritage perspective, the proposed development would be in the wrong place. It would not be sustainable development as the scheme would erode the setting and cultural value of important heritage assets; fail to respond to local character and distinctiveness; and fail to integrate well with the historic environment. The harm would be severe and permanent and would require an equally significant countervailing balance to satisfy heritage policy.²⁹⁴
- 4.43 Overall, the proposal has failed to understand the significance of an important historic landscape resource which would result in the loss of the historic, valued identity and relationships of Bierton and Aylesbury with each other and with the surrounding countryside. Settlements, and their local distinctiveness, are defined in substantial part by the green infrastructure inherited from previous generations which would be lost to the development in direct conflict with Policy RA.2 and the Framework.²⁹⁵

The fourth main consideration: best and most versatile agricultural land

- 4.44 It is said that the proposal would not involve a significant loss of the best and most versatile agricultural land and that any such loss would be reversible. However, some 55.6 hectares (47% of site) falls into this category with 19 hectares classified as grade 2. Overall, some 27 hectares would be lost under 'hard' built development; with the remainder in 'soft'

²⁹² BL/CM/3.1 paragraphs 4.1 - 4.9

²⁹³ BL/CM/3.1 paragraphs 4.10 - 4.18

²⁹⁴ BL/CM/3.1 paragraphs 5.1 - 5.15; CD4.1 paragraphs 7, 17, 56, 61, 126, 128, 131 - 134

²⁹⁵ CD4.1 paragraphs 58, 61, 128 & 134

land uses. Although it is said that the areas within the green infrastructure could be returned to agriculture at a future date, the reality is that it would be a permanent loss. This is a further factor which weighs heavily against the project being considered to be sustainable development.

The fifth main consideration: mix of uses and sustainability

- 4.45 The need for employment provision, as part of larger scale development proposals, and to support national economic growth objectives, is well documented in: -²⁹⁶
- (a) The Plan for Growth (March 2011) sets out the economic plan for the UK to recover its position as a globally recognised, resilient and growing economy;
 - (b) Written Ministerial Statement (March 2011) emphasises the importance of economic and employment growth in planning decisions;²⁹⁷
 - (c) Written Ministerial Statement: Housing and Growth (September 2011) '..... to get the economy growing';
 - (d) HM Treasury National Infrastructure Plan (2013) re-affirms support for strong economic growth;
 - (e) Budget Statement (March 2014);
 - (f) National Planning Policy Framework; and
 - (g) Planning Practice Guidance.
- 4.46 At the regional and sub-regional levels, Aylesbury Vale lies within two overlapping Local Enterprise Partnership Areas: - South East Midlands and Buckinghamshire Thames Valley. The visions in the respective Strategic Economic Plans are to *'reinforce and develop the South East Midlands as one of the most innovative, successful and high performing economies in England by 2020'*; and *'to create a vibrant balanced competitive Buckinghamshire economy'*. The delivery of these strategies will need to be founded on the provision of a variety of employment land and sites and by developing new economic floorspace against an existing commercial space deficit.²⁹⁸
- 4.47 Locally, the Aylesbury Vale District Council Economic Development Strategy sets out the Council's economic vision *'..... to ensure that sustainable economic development is driven alongside infrastructure, of which housing growth is part, to ensure that the Vale remains a great place to live and work'*. The strategy also highlights the need for employment land supply, including: - *'..... an element of balance between where new homes and jobs are located'*.²⁹⁹
- 4.48 More specific analysis of employment land requirements, and demographic projections, provides a range of employment growth figures and a conclusion that there was a requirement for a significant level of new employment floorspace in order to help deliver the new jobs arising from anticipated population growth. Relevant *'headlines'* include: -

²⁹⁶ BL/MT paragraphs 3.3 - 3.36; CD4.1 paragraphs 6, 7, 9, 17, 19, 21, 37 & 38; CD4.2; CD4.5; CD4.11; CD4.12; CD4.13

²⁹⁷ BL/MT/5.1 paragraph 3.7

²⁹⁸ MT/5/1 paragraphs 3.34 - 3.54; CD3.81; CD3.82

²⁹⁹ MT/5/1 paragraphs 3.55 - 3.60; CD3.29

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- (a) *'..... the stock of office floorspace in the District will need to grow much more substantially moving forward';*
 - (b) *'..... Aylesbury is also a key location within the Vale for housing growth and there is a need to ensure that employment development is brought forward alongside this to support sustainable travel patterns';*
 - (c) *'..... the office stock in Aylesbury is dated and poor quality; with above average vacancy'; and*
 - (d) *'There is also a limited supply of out-of-town office/research and development floorspace in Aylesbury'.³⁰⁰*

- 4.49 In terms of employment land provision, a rising level of net completed Use Class B employment floorspace occurred between 2011 and 2013 providing an indication of growing demand for employment floorspace; and there is more recent evidence of space being taken up at a faster rate than stock replenishment. The overall outlook is that future demand is unlikely to be met.³⁰¹
- 4.50 The appeal scheme is likely to generate about 139 to 159 direct new jobs in total (predominantly in education, community and retail) against an overall requirement of some 1,285 full-time equivalent jobs for new residents of working age. Such a major imbalance would, inevitably, lead to additional work commuting trips and render the development to be unsustainable.³⁰²
- 4.51 Support is to be found in the Secretary of State's decision at Quarrendon Fields, where he confirmed that *'in sustainability terms the lack of employment opportunities weighs against the scheme'*. This followed the Inspector expressing the view that *'a sustainable urban extension needs to incorporate a genuine mix of uses which includes employment opportunities the absence of any specific employment provision on the appeal site is a structural deficiency which should count heavily against the proposal'*. The appeal proposal is comparable in scale and it would also be located on the edge of the town and would rely on other existing employment locations to provide the job opportunities that new residents would require.³⁰³
- 4.52 In summary, for a scheme of the size and nature proposed, it would be reasonable to expect a much more substantial level of employment provision on site. Without it, the proposal would be deficient in the economic dimension of sustainable development.³⁰⁴

The sixth main consideration: highways and transportation

- 4.53 A substantial element of the highways evidence was submitted during the course of the Inquiry and it precipitated an adjournment in January 2015. From this point in time Barwood took no further part in the Inquiry.

³⁰⁰ MT/5/1 paragraphs 3.61 – 3.81; CD3.19; CD3.28; CD3.89

³⁰¹ MT/5/1 paragraphs 3.82 – 3.95; CD3.83

³⁰² MT/5/1 paragraphs 3.96 – 3.113

³⁰³ MT/5/1 paragraphs 3.114 – 3.123; CD5.4

³⁰⁴ MT/5/1 paragraph 3.124

- 4.54 Nevertheless, it must be recorded that at the time the appeal was lodged, it was Hallam's stated position that all relevant transport and highways information had been provided and the scheme was ready to be considered on that basis. However, that was not the case; and even with the additional evidence and Highways Statements of Common Ground, it is apparent that there are clear and significant concerns remaining over the transport and highways effects of the project on Bierton and the A418.³⁰⁵

The seventh main consideration: flood risk

- 4.55 Barwood did not present evidence on this topic.

The eighth main consideration: conditions and obligations

- 4.56 These matters were not addressed by Barwood.

The ninth main consideration: the planning balance

- 4.57 In light of the additional evidence and the Statements of Common Ground, Barwood has not sought to examine or evaluate any of the new transport and highways evidence, or the planning balance in any detail but, with that proviso, there is nothing to suggest any fundamental change to Barwood's position. The appeal scheme would not be an integrated sustainable development and the limited benefits arising from its housing contribution would not outweigh the significant adverse effects of the proposal. It would thus be in conflict with the development plan and with the policies of the Framework.

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Watermead Parish Council (Sue Severn – Chairman)³⁰⁶

- 4.58 Watermead was designed as a self-contained village with its lake providing a defining feature, and it was voted one of the top housing schemes of its type in the early 1990s and won awards for its design. It is now a close community which is evident from the number of objections to the proposal.
- 4.59 Flooding has occurred at Watermead since its inception; and it has been observed in recent years to be more frequent and of longer duration. It occurs around the lake and also along the eastern boundary of the village with surface water run-off from the appeal site. During the winter of 2013/14 the problem was compounded by the failure of the Thames Water sewage pump.

³⁰⁵ **Inspector's Note** - Barwood's closing submissions (BL/6.4) under the sub-heading 'Transport and Highways' do not make any direct reference to Barwood's written evidence in BL/CR/4.1 – BL/CR/4.4 and BL/CR/Core Documents (exchanged on 5 and 19 December 2014). In any event, Inspector's Procedural Note X7, dated 15 January 2015 (paragraph 20), states:- '*..... I would suggest that all proofs and rebuttals should be used as background documents with a view to re-issuing amended proofs and subsequent rebuttals for overall clarity*'. This was accepted and paragraph 22 confirms '*..... time would be required to consider the evidence required, its production and subsequent opportunity for rebuttal*'. In this regard, whilst Barwood's documents technically remain before the Inquiry (insofar as they were not formally withdrawn), it is evident that no reliance is to be placed on them

³⁰⁶ WPC/1

- 4.60 The Parish Council and local residents are very concerned about the potential impact of increased flooding caused by the proposed development. Recent reports suggest that increased rainfall is a result of global warming; and there is a likelihood of increased flood risk.
- 4.61 There is no available data on the impact of pluvial flooding on Watermead; and it is not clear how the appellant quantifies the predicted reduction in surface water run-off. However, any potential flood risk should be taken into account when determining the appeal in accordance with paragraph 102 of the Framework; and the Environment Agency's withdrawal of its objection is no comfort.
- 4.62 In terms of localism, the pre-application consultation was inadequate to meet the intentions of the Localism Act and the aims of the Council's Statement of Community Involvement. In this regard, '*consultation*' consisted of a letter to the Parish Council, a small advertisement placed in the Bucks Herald and an exhibition in the Waterside Theatre, Aylesbury. The letter, dated 19 November 2012, did not arrive until 23 November which left three working days to inform residents of the meeting arranged for the following Wednesday afternoon.
- 4.63 The timescale was wholly inadequate; the Bucks Herald has limited circulation; the location of the development was not clear from the published details; and the chosen venue should have been in the immediate locality of the site. Many residents in Watermead and Bierton feel aggrieved that Hallam has had such disregard for the views of the community.
- 4.64 The recreation assets of Watermead have come under increasing pressure following the construction of a major housing development at Buckingham Park, which has imposed a greater burden on the local community in terms of increased anti-social behaviour, rubbish/damage and increased costs of land management falling to the Parish Council. The proposed development would similarly add to the burden and a financial contribution is requested through a planning obligation.
- 4.65 The proposed development would also result in coalescence between Watermead and Bierton with loss of community identity, views and possible impacts on recreational walks. Hallam has not given any consideration to the distinctive character of Aylesbury and its separate surrounding hamlets and villages.

Watermead Parish Council (Roger Cooling - Parish Councillor)³⁰⁷

- 4.66 The proposed development would result in coalescence between Watermead and Bierton. Such a prospect was recognised by the Core Strategy Inspector in his consideration of '*Area C*'; but the appellant's response proposes the removal of the buffer zone which was adjacent to Watermead and to build on to the boundary with existing houses.

³⁰⁷ WPC/2; WPC/3

Attractive countryside, hedges, habitats, Parliamentary enclosure and good quality agricultural land would be lost; traffic issues have not been resolved; and existing residents would suffer many years of purgatory associated with building works.

- 4.67 The flooding of Watermead in 2014, from the River Thame, provides a reminder of climate change and the effects of building adjacent to major rivers and flood plains. The subsoil of the appeal site has low permeability and the ability of the proposed sustainable drainage system to cope with prolonged heavy rain, and to reduce surface water run-off, must be questionable.

Representations made in writing

Watermead Parish Council (Pamela Stocks – Parish Councillor)

Introduction

- 4.68 The limited resources of the Parish Council have precluded its formal representation at the Inquiry.
- 4.69 The site has a history of proposals for development either through the development plan process or by planning application. In terms of the current appeal, the Parish Council aligns itself with the local authority's reasons for refusal; and focuses its own concerns on flood risk, lack of public consultation and potential impacts on amenity/recreation ground.

Flooding

- 4.70 The waterside environment of Watermead is a defining characteristic of the village; and an acknowledged factor contributing to the distinct sense of place embodied within this early 1990s development. Flooding at Watermead has occurred from its inception; it occurs regularly; and the incidence and extent has increased in recent years. The problem is not limited to the vicinity of the lake and the River Thame as gardens on the eastern side of the settlement also experience flooding from surface water run-off. The problems were particularly acute in the winter of 2013/14; and the Thames Water pumping station failed over a period of 4 days.
- 4.71 All of the evidence of increased flooding points to climate change with the likelihood of more prolonged and more intense periods of rainfall in the United Kingdom. In view of its concerns, the Parish Council commissioned Environments for People to assess the Flood Risk Assessment undertaken on behalf of Hallam. However, this is no longer pursued and it is confirmed that the technical proof is to be treated as withdrawn. Nonetheless, the Parish Council argues for caution in this matter and for the right of residents to live without additional risk.
- 4.72 Accordingly, it is requested that the developer should enter into a planning obligation to fund a study to determine the operation of the lake in balancing flooding from Watermead and the River Thame and beyond; and to provide a commuted sum for the ongoing maintenance of the lake. The obligation should also bind future developers to the provision of sustainable drainage systems.

Consultation

- 4.73 Turning to the pre-application consultation associated with an earlier 'duplicate' application, the appellant notified the Parish Council of its application by letter; a small advertisement was placed in the local press; and an afternoon exhibition was held in Aylesbury. The time available to inform local residents of the exhibition was inadequate; the local paper has limited circulation; and the press notice referred to the site as 'land to the north east of Aylesbury' with no mention of its adjacency to Watermead. Moreover, it would have been more appropriate to hold exhibitions in Watermead and/or Bierton. No further consultation was undertaken before the making of the application which is the subject of the appeal.

Amenity/recreation ground

- 4.74 The lakes and their surroundings provide a haven for wildlife and an asset to the community. The lakeside has received greater use following the development of Buckingham Park with additional maintenance responsibilities and costs to the Parish Council and ultimately the residents of Watermead. The further costs likely to arise from increased usage by residents of the proposed development should be provided for by obligation; and the recreation areas intended to serve the new community should be provided at an early stage in the development to minimise impacts on Watermead.

The Hampden Fields Consortium

Introduction

- 4.75 The Consortium is a promoter of a proposal for a 'sustainable mixed-use urban extension' to Aylesbury which was heard at a conjoined appeal Inquiry in 2013. Hallam's application is the fourth major-scale scheme (Fleet Marston, Hampden Fields, Kingsbrook and the current proposal) to be brought forward through the development management system since the withdrawal of the Core Strategy.³⁰⁸
- 4.76 The Consortium confines its representations to highways and flooding.

The sixth main consideration: highways and transport³⁰⁹

Transport strategy

- 4.77 Buckinghamshire County Council's overall transport strategy, Towards 2026: Aylesbury Urban Transport Plan, seeks to transfer journeys in the urban area from the car to walking, cycling and public transport; to re-route cross town journeys from main routes to alternative appropriate distributor roads; intercept longer distance journeys at the edge of the

³⁰⁸ HF/1 paragraphs 1.1 – 1.3

³⁰⁹ **Inspector's Note** – this section summarises the representations made in October 2014 and December 2014 which have largely been overtaken by subsequent evidence and a Statement of Common Ground (17 July 2015 – CD2.16) between Hallam and the highway authority; no representations were received in respect of the later material. Although I have not reported Barwood's highways material (see Footnote 305 above) the Consortium, unlike Barwood, was not represented at the Inquiry and, thus, out with the directions in Inspector's Procedural Note X7

- town with park and ride or other public transport services; and to manage the transport network to make the best use of capacity for all travellers.³¹⁰
- 4.78 Work undertaken for the highway authority 'Aylesbury Major Development Sites – Assessing the Transport Impacts – Technical Note (June 2014)' indicates the need for more detailed work to consider the junction-specific impacts of growth within Aylesbury and to improve, optimise and mitigate the corridor and junction issues indicated in the report.³¹¹
- 4.79 Hallam's cumulative Transport Assessment concludes that the appeal site developed on its own, and with Kingsbrook in place, would perform best when measured against journey time, network impact, junction impact and air quality when compared with other proposed development sites around Aylesbury. However, that is on the basis of the appeal site having the lowest level of development, both in terms of housing and employment, when compared with Fleet Marston and Hampden Fields. It makes the consideration of specific impacts the more important to ensure that impacts on local corridors and junctions can be mitigated.³¹²

A413 Watermead signals

- 4.80 The Transport Assessment, in looking at the Watermead signals (2021 Do Minimum) acknowledges that *'in both peak hours there is a capacity problem on the A413 heading southbound, with degrees of saturation over 90%. In addition, in the PM peak the A413 heading northbound has a degree of saturation over 90%'*. Analysis of the supporting table shows a degree of saturation and queue in the AM peak of 152% and 293 vehicles (equivalent to 1.76 kilometres); and in the PM peak 106% and 69 vehicles respectively (414 metres). In addition, in the PM peak the A413 northbound has a degree of saturation of 100% and a queue of 50 vehicles (300 metres).³¹³
- 4.81 At 2021, with the proposed development in place, the A413 is predicted to remain over capacity in the AM and PM peak hours in the order of 146% (253 vehicles and queue length of 1.52 kilometres); and 101% (53 vehicles extending over 318 metres). The corresponding figures for the PM peak on the A413 northbound would be 102% (60 vehicles and a queue of 360 metres).³¹⁴
- 4.82 The later Technical Note, prepared on behalf of the appellant in response to comments from the highway authority, provides different results with this junction being shown to be operating within capacity in both the 2021 baseline and 2021 with development scenarios. The large difference in performance brings into question the accuracy of the modelling and whether the baseline model is validated.³¹⁵
- 4.83 Although it is claimed that there would be an improvement in traffic flows along the A413/Watermead signals, in reality there would be no

³¹⁰ HF/1 paragraphs 2.4 & 2.5

³¹¹ HF/1 paragraphs 2.6 & 2.7

³¹² HF/1 paragraphs 2.8 - 2.12

³¹³ HF/1 paragraphs 2.13 - 2.16; CD1.21 paragraph 7.8 & Table 7.4

³¹⁴ HF/1 paragraphs 2.17 - 2.19

³¹⁵ HF/2 paragraphs 2.9 - 2.11

improvement in the operation of the junction, significant over-capacity problems would remain with lengthy queues and breakdown in the efficient operation of the junction.³¹⁶

A413/Oliffe Way roundabout

- 4.84 Although the updated Transport Assessment showed this junction to be operating within capacity for both 2021 scenarios, the latest 'TRANSYT' results identify significant queuing. In the baseline AM peak, Buckingham Road (north) is shown to have 125% degree of saturation; a queue length of 260 vehicles extending for a distance of 1.5 kilometres. The corresponding figures with the development would be 120%; 220 vehicles; and a queue extending to 1.26 kilometres.³¹⁷
- 4.85 The Technical Note acknowledges the significant impact on this junction arising from a better performance of the Watermead signals with the consequence of moving queuing traffic from one junction to another which calls into question the sustainability of the proposed development location.³¹⁸

A413/Douglas Road/Elmhurst Road (A4157) signals

- 4.86 In the same way, the claimed improvements at these signals (in the updated Transport Assessment) have to be considered in context in that, with the development in place, the reduction of 10 vehicles (A413 south) in the AM peak has to be set against a degree of saturation of 128% (93 vehicles - 558 metres); and in the PM peak the reduction would result in saturation at 102% (53 vehicles - 318 metres). Similarly, even with a reduction by 57 vehicles in the PM peak (Elmhurst Road) the degree of saturation would be 155% (172 vehicles - 1.03 kilometres).³¹⁹
- 4.87 The subsequent modelling continues to show this junction operating with significant queuing. On Elmhurst Road (AM peak Base Line) the maximum degree of saturation would be 152%; 152 queuing vehicles; and a queue length of 891 metres. The figures for the PM peak would be 178%; 230 vehicles; and 1.32 kilometres.³²⁰
- 4.88 With the development in place the equivalent figures would be (AM) 146%; 154 vehicles; and 874 metres; and (PM) 166%; 181 vehicles; and a distance of 1.04 kilometres.³²¹
- 4.89 The claim of reduced delays with the development in place denies the reality of continuing long queues and excessive delays. Average delays are acknowledged to be: - A413 southbound 8.11 minutes (2 seconds less than baseline); A413 southbound and left into Elmhurst Road 12.26 minutes (1.65 minutes less); and Elmhurst Road ahead/left 10.05 minutes (47 seconds less).³²²

³¹⁶ CD1.21 paragraph 7.20; HF/1 paragraph 2.19

³¹⁷ HF/2 paragraph 2.12

³¹⁸ HF/2 paragraphs 2.13 & 2.14

³¹⁹ HF/1 paragraphs 2.22 - 2.24

³²⁰ HF/2 paragraph 2.15

³²¹ HF/2 paragraph 2.16

³²² HF/2 paragraphs 2.16 - 2.22; Table at paragraph 4.2 of Technical Note

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- 4.90 It is clear from the evidence of the appellant and the highway authority that existing peak hour congestion on the A413 is a concern and, as such, the location cannot be considered to be sustainable on traffic grounds.³²³

A418/Elmhurst Road/Douglas Road (A4157) roundabout

- 4.91 The intention to improve the roundabout with partial signalisation is based on lower levels of saturation and shorter queue lengths than would be the case for the A413 north in the PM peak at the Watermead signals and on Elmhurst Road in the PM peak at the A413/Douglas Road/Elmhurst Road (A4157) junction. It calls into question why similar improvements should not be instigated for more severe congestion on other parts of the network.³²⁴

Traffic through Bierton

- 4.92 In terms of traffic through Bierton, the effects of linking the A413 to the A418 through the development would undermine the aim to reduce traffic through Bierton arising from the provision of the Eastern Link Road and the Stocklake Link associated with the development of Kingsbrook. The effect of the development would see increases of 22% in traffic flow in the PM peak on the A418 north of Douglas Road and 33% on the A418 south of the Eastern Link Road in the AM peak.³²⁵
- 4.93 Although Hallam contends that the increases in traffic along the A418 would not be significant, they would, nonetheless, be higher than if the development had not taken place. The highway authority and Barwood both draw on the effect on the Council's strategic approach to traffic management within the area and a failure to provide, or make provision for, a strategic link road between the A413 and the A418 north-east of Bierton.³²⁶

Outline Travel Plan

- 4.94 Looking next at the Outline Travel Plan³²⁷ it is not possible to gauge whether the public transport subsidy of £572,000 would support a bus service between the new local centre and Aylesbury town centre with a minimum headway of 20 minutes; and there are no details of any off-site bus priority measures to ensure that bus journeys would be quicker than those by car.³²⁸
- 4.95 Although it is acknowledged that the development would provide a number of specific pedestrian and cycle facilities, the anticipation of a 100% increase in travel by cycle would be optimistic. Increased bus patronage of the order envisaged would be difficult to achieve based on one new bus service with no priority measures.³²⁹

³²³ HF/2 paragraphs 2.22 - 2.24

³²⁴ HF/1 paragraphs 2.25 - 2.31

³²⁵ HF/1 paragraphs 2.32 - 2.33

³²⁶ HF/2 paragraphs 3.1 - 3.8

³²⁷ CD1.21 Section 8

³²⁸ HF/1 paragraphs 2.34 - 2.41

³²⁹ HF/2 paragraph 2.42 - 2.46

Conclusions

- 4.96 The A413 within the vicinity of the site currently suffers significant peak hour congestion to the extent that the appeal site cannot be considered to be sustainable in transport terms and suitable for significant development. One of the Framework's Core Planning Principles indicates that significant development should be '*..... in locations which are or can be made sustainable*'. The only conclusion that can be drawn from the modelling is that the access strategy and transport mitigation package associated with the development would not be sufficient to make the location sustainable in transport terms. Moreover, linking the A413 to the A418 to the south-west of Bierton (rather than to the north-east) would perpetuate the latter as a strategic link contrary to the aims of returning it to a '*local road*'.³³⁰

The seventh main consideration: flooding

- 4.97 The site lies partially within Flood Zones 2 and 3 and the Sequential and Exception Tests set out in paragraph 102 of the Framework are engaged. Although built development would be located within Flood Zone 1, part of the Main Link Road would cross Flood Zones 2 and 3.³³¹
- 4.98 In terms of the Sequential Test, the Flood Risk Assessment considers only the growth arc options related to the preparation of the (withdrawn) Core Strategy and concludes that there is no other site with a lower probability of flooding. This ignores the merits of the development proposals at Fleet Marston and Hampden Fields which were considered at the conjoined Inquiries. In the case of Hampden Fields, the flood alleviation measures would have produced wider benefits for the whole of Aylesbury.³³²
- 4.99 The failure of the Flood Risk Assessment to adequately consider the alternative sites within the Sequential Test ignores other sequentially preferable sites, and, without a need for the development, the Main Link Road would fall outside the category of '*essential infrastructure*'.³³³

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³³⁰ HF/2 paragraphs 4.1 - 4.5

³³¹ HF/1 paragraph 3.1

³³² HF/1 paragraphs 3.2 – 3.4 – Hampden Fields was subsequently dismissed on appeal (CD7.14)

³³³ HF/1 paragraphs 3.5 & 3.6

5. The Case for Other Parties and Interested Persons

Representations made at the Inquiry

Bierton with Broughton Parish Council³³⁴

- 5.1 The Parish Council expressed concerns about possible development between Watermead and Bierton, in connection with the preparation of the Aylesbury Vale District Local Plan and the Core Strategy, on the grounds of landscape impacts; coalescence; and loss of settlement identity. Those objections remain relevant to the current proposal.
- 5.2 A survey of the parish's residents, in 2010/11, during the initial work to prepare a Community Plan, indicated that over 97% of respondents were opposed to large scale development in the locality. Nonetheless, and despite the protection afforded to settlement identity by Policy RA.2 of the Local Plan, the Council approved an urban extension, including 2,450 dwellings, within the parish on land known as Kingsbrook.
- 5.3 The Hallam proposal, despite the intended green infrastructure, would cause further coalescence of Bierton into Aylesbury; the loss of Bierton's identity as a discrete settlement; and the erosion of its active, cohesive community. The strength of local views, in light of the Localism Act, is a notable consideration.
- 5.4 The proposal is considered to be premature not only in the context of the emerging Vale of Aylesbury Local Plan but also in relation to the evidenced decisions to be made on both the number and location of dwellings in and around Aylesbury as a result of outstanding appeals at Fleet Marston, Hampden Fields and land north of Weedon Hill, Aylesbury.³³⁵
- 5.5 Although the appellant makes claim to the integration of Bierton and Watermead, and the creation of sustainable development, there would be no direct road link and few pedestrian linkages; the primary school would not be easily accessible from Watermead and from within most of the proposed development; and the proposed parks and playing fields would not be readily accessible to existing residents.
- 5.6 Further, the site is inappropriate due to flood risk supported by photographic evidence of flooding; and best and most versatile agricultural land would be lost with no realistic prospect of the green infrastructure reverting to productive use. The lack of specific employment provision within the development would be at odds with the Council's aim of one new job per new dwelling; and it would lead to additional commuting.
- 5.7 On landscape, the site forms part of a larger area of land which on examination through the (withdrawn) Core Strategy was acknowledged to be *'the most sensitive in landscape terms'*; the planting of trees on the scale proposed would be unsympathetic to landscape character; and the intended mitigation would not be capable of screening the development.

³³⁴ BBPC/1; BBPC/2

³³⁵ Subsequently dismissed on appeal (CD7.14)

- 5.8 In respect of heritage, views into and out of the Conservation Area would be harmed; and the proposal would result in the loss of Parliamentary enclosure and ridge and furrow from within the site.
- 5.9 In procedural terms, the omission of 4 hectares of land, situated within the body of the site but excluded from the red line boundary, is illogical and unexplained. In addition, the appellant has used the appeal process to develop its case; and information has evolved as the appeal has progressed with resultant disadvantage to the Parish Council.
- 5.10 On highway matters, there is copious material on which the Parish Council has neither the resources nor the professional competence to refute or to accept. Following the adjournment of the Inquiry, in January 2015, significant changes were made to the highways evidence. The point at issue now focuses on the relative merits of a spine road through the proposed development which would provide some relief at one junction on the ring road (A413) but no significant improvement to Aylesbury's overall traffic problems in the absence of a Northern Link Road.
- 5.11 The intention is that traffic from the north (A413) would divert through the estate, only to turn right at the new signal-controlled junction with the A418 and thereafter travel in the direction of the A418/Douglas Road/Elmhurst Road (A4157) roundabout. This would not provide any real benefit in traffic levels heading for the A41 (south); and the re-routed traffic, and the vehicles generated by the proposed development, would cause congestion extending back through Bierton. Traffic, in the opposite direction, would have the effect of increasing tailbacks on the approach to the roundabout and an admitted need for partial signalisation.
- 5.12 The alternative, of vehicles turning left at the traffic lights, and passing through Bierton to join the Eastern Link Road (and its link to the A41 south), would increase traffic through the village contrary to the wider strategic, and locally endorsed, objective of calming traffic in Bierton in order to deter through traffic. The same effect would arise from traffic travelling in the opposite direction from the A41 (south).
- 5.13 As to the appellant's evidence, the Parish Council fundamentally disagrees with the photographs (intended to represent typical peak hour queues) which led to the Statement of Common Ground with the highway authority – local experience knows otherwise. In addition, concern remains about the future performance of the proposed signalised junction of the A418 with the Eastern Link Road given that very limited space would be available for queuing traffic in either direction as currently designed. In addition, the introduction of traffic signals at the junction of the Main Link Road and the A418 would cause tailbacks through Bierton.
- 5.14 There are also outstanding issues in relation to: -
- (a) the junction of the Main Link Road with the A418 incorporates the lay-by along the southern side of Aylesbury Road in order to improve west-bound traffic flow – but frontage residents (who will lose the facility of on-street parking) have not been consulted;

- (b) inadequate attention has been given to the traffic/parking implications, in terms of access to recreation facilities, on the residents of Great Lane;
- (c) Old Orchards and The Close are unsuitable for increased cycle traffic or pedestrian use likely to be generated by Bierton Park;
- (d) cycle tracks/footpaths through Great Lane Park would join an unmade section of Great Lane which is not suitable for people with mobility difficulties;
- (e) whether pedestrian/cycle access is proposed between 54 and 56 Aylesbury Road;
- (f) the future of the existing access to Dunsham Farm; and
- (g) Great Lane has a narrow junction with the A418 and does not provide cycle accessibility to the Sapphire Way and its route into Aylesbury.

5.15 Overall, the scheme would not be sustainable development and its adverse effects would significantly outweigh any possible benefits.

Roger Cooling (resident of Watermead)³³⁶

- 5.16 The site has previously been found to be unsuitable for development on a number of grounds including landscape and flooding. In this regard, the proposal would ruin for ever the pleasures of rural walks and the views from the Weedon ridge; and exacerbate flooding against the background of Watermead experiencing its worst flooding during the winter of 2013/14, with almost a metre of water in the village square, and the need to remove raw sewage from the flooded pumping station.
- 5.17 The development would also eliminate the identities of Watermead and Bierton resulting in urban sprawl. Although Watermead was itself constructed as an extension to Aylesbury, its design and layout was innovative, providing individual community identity; and the Council insisted on a legally enforceable covenant to restrict future development on land now forming part of the appeal site.
- 5.18 Other issues include the loss of high grade agricultural land in productive use; traffic implications; lack of employment opportunities within the site; impacts on ecology; security and safety issues associated with the 2 footpaths linking Watermead into the development; and consultation with the community has been minimal and inadequate. Moreover, there is nothing to suggest that the Environment Agency was aware of other potential development sites in the locality in its assessment of flood risk.
- 5.19 On the latter, an adequate and up-to-date Sequential Test has not been undertaken despite the comments of the Core Strategy Inspector and the views of a now retired Council planning officer that Watermead would probably not get planning permission today as a result of climate change.

³³⁶ RC/1

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- 5.20 Hallam seeks to divert the existing swale along the eastern boundary of Watermead and to discharge it directly into the River Thames along with the surface water from its proposed developments to the north of Buckingham Park. Given the clay sub-soil, which typifies the locality, the suitability of the intended sustainable drainage arrangements is questionable.
- 5.21 Moreover, to the west of Watermead, the arched bridge carrying the A413 holds back flood waters with Watermead becoming a large reservoir with consequential flooding.
- 5.22 It is difficult to believe that there are not other reasonably available sites in the area with a lower probability of flooding. The lessons of recent flooding should be heeded and taken into account.

Christopher Money (resident of Berton)³³⁷

- 5.23 The proposed development would have the following effects: -
- (a) increased traffic through Berton which would be contrary to the aim of introducing traffic calming through the village;
 - (b) queuing vehicles at the traffic lights would degrade air quality; and
 - (c) the signal controls would exacerbate conditions on an already busy road.
- 5.24 Whilst development around Berton might be inevitable, it should be fully integrated with other plans in the area and ensure that the net impact on Berton is as low as reasonably practical. The proposal does not appear to achieve that.

Written representations

- 5.25 The officer's report to the Council's Strategic Development Control Committee³³⁸ indicates the receipt of 537 letters of objection, including representations from David Lidington MP, of which 477 were one of three pre-drafted template letters. The material points identified were: -
- (a) exploitation of policy vacuum and opportunist application;
 - (b) adverse impacts on landscape and important local views;
 - (c) unacceptable coalescence, contrary to Policy RA.2; and loss of neighbouring settlement identity and cultural value;
 - (d) increased flood risk, having particular regard to known issues at Watermead lake and recent flooding (February 2014); the lack of wider flood alleviation measures; contrary to the Sequential Test; and the relationship with flood alleviation measures for Weedon Hill north park and ride facility;
 - (e) lack of infrastructure and increased/transferred road congestion; disputed validity/accuracy of the traffic analysis; conflict with the strategic rationale for the Eastern Link Road with increased traffic in Berton; traffic conflict of a 'through route' within a residential environment; lack of connections into and out of the site; and failure to achieve sustainable transport ambitions;

³³⁷ CM/1

³³⁸ CD1.22 paragraph 9.1

- (f) loss of best and most versatile agricultural land would be contrary to local and national policy;
- (g) lack of employment provision within the site would exacerbate out-commuting; remoteness from the railway station would lead to excessive car use; and lack of clarity regarding the provision of a new dedicated bus service;
- (h) inadequate ecological surveys and threat to wildlife;
- (i) local services are at full stretch; the intended contribution towards affordable housing has not been viability tested; and no mention is made of provision for other local requirements including children's centres, special educational needs, public art, leisure and entertainment facilities and green infrastructure;
- (j) a lack of public consultation; and
- (k) the extent of local opposition should be a material consideration.

5.26 Written representations at appeal stage refer to flooding; property devaluation; loss of outlook; traffic; impact on wildlife; and the damaging effects of further building on Watermead.

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Richborough Estates

6. Planning conditions and obligations

Planning conditions

- 6.1 A draft schedule of conditions, with reasons, has been agreed by the Council and the appellant.³³⁹ The only condition in dispute is condition 3 which makes provision for built development to be excluded from development parcels A and/or B if the Secretary of State should so decide.

Planning obligations

- 6.2 Planning obligations under section 106 of the Town and Country Planning Act 1990 (both dated 7 August 2015) have been entered into and completed between all parties with an interest in the site with Aylesbury Vale District Council,³⁴⁰ and with Buckinghamshire County Council.³⁴¹
- 6.3 The need for the obligations, relevant policy support and compliance with the Community Infrastructure Levy Regulations 2010 is also agreed and summarised below.
- 6.4 Both obligations contain a clause to the effect that *'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 or 123 of the Community Infrastructure Levy Regulations 2010 then the said obligation or obligations shall to that extent not apply'*³⁴²

Planning obligation: Aylesbury Vale District Council

- 6.5 The agreement with the District Council provides: -³⁴³
- (a) lodging of parent company guarantee or bond for respective phases of the development;
 - (b) an operational programming monitoring and phasing obligation;
 - (c) provision of affordable housing by type, number, size, tenure and distribution;
 - (d) restrictions on the occupation of market housing related to the provision of affordable housing; and arrangements for the transfer of the affordable units;
 - (e) occupancy criteria and restrictions applying to the affordable dwellings;
 - (f) arrangements for the future maintenance of amenity land; and timing of provision of on-site play facilities, sports facilities, parks, and allotments;
 - (g) a sport and leisure contribution to be spent on the provision of (i) a new sports and recreation ground on land at Watermead and (ii) improvements to the sports hall and sports and recreation ground at Burcott Lane, Bierton;

³³⁹ Annex C to this report

³⁴⁰ CD2.22

³⁴¹ CD2.23

³⁴² CD2.22 paragraph 20; CD2.23 paragraph 17.1

³⁴³ CD2.22; CD2.25

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- (h) provision of a temporary community centre/permanent community centre, within the site, related to the occupation of specified numbers of dwellings; and
- (i) delivery of the land for the local centre as a serviced site related to the occupation of a specified number of dwellings.
- 6.6 The developer also covenants with the Council to pay an annual charge of £3,000 for a period of ten years to cover the Council's costs of administering and monitoring the obligations contained in the Deed, having regard to the nature, extent and volume of the work entailed.³⁴⁴ This would be consistent with the authority's charging schedule (January 2013).³⁴⁵
- 6.7 The provision of affordable housing (30% for each phase or sub-phase) is underpinned by Policy GP.2 of the Aylesbury Vale District Local Plan which seeks provision at a level of 20 – 30%. It is supported by the Council's Affordable Housing Supplementary Planning Document (2007);³⁴⁶ and an Affordable Housing Interim Position Statement (June 2014) which sets out the identified affordable housing need for the district and indicates that development which achieves above the adopted maximum 30% level will be reflected in the overall planning balance.³⁴⁷
- 6.8 The affordable housing provision would be directly proportionate to the overall size of the development with general viability testing arising from evidence gathered for the preparation of the Vale of Aylesbury Local Plan and the Community Infrastructure Charging Schedule. It would also be consistent with paragraphs 17 and 50 of the Framework.³⁴⁸
- 6.9 The provision of on-site recreation facilities has support in Policies GP.38, GP.39, GP.40, GP.86, GP.87, GP.88 and GP.94. This is reinforced by Supplementary Planning Guidance on Sport and Leisure Facilities;³⁴⁹ a companion Ready Reckoner document;³⁵⁰ the Assessment of Leisure and Cultural Facilities in Aylesbury Vale 2012;³⁵¹ and paragraphs 17, 73 and Section 8 of the Framework. The facilities would serve the needs of the development with contributions directly related to the anticipated resident population.³⁵²
- 6.10 Policies GP.90 and GP.94 provide the rationale for contributions for off-site 'high-level' sports and recreation facilities, with support from the documents referred to above. The two identified projects would be within convenient reach of the proposed housing and the level of contribution would be proportionate to the scale of the development.³⁵³

³⁴⁴ CD2.15 pages 4 & 5

³⁴⁵ CD2.19

³⁴⁶ CD3.5

³⁴⁷ AV/4/1 paragraphs 3.3 - 3.6; CD3.5; CD3.10; CD3.19; CD3.104

³⁴⁸ AV/4/1 paragraphs 4.100 & 4.101; CD2.15 page 1

³⁴⁹ CD3.6

³⁵⁰ CD3.7

³⁵¹ CD3.94

³⁵² CD2.15 pages 1 & 2

³⁵³ CD2.15 pages 2 & 3

- 6.11 The provision of a local centre and a community building to serve the new community has policy support in GP.94 and in paragraph 70 of the Framework and it would be directly related to the proposed development.³⁵⁴

Planning obligation: Buckinghamshire County Council

- 6.12 The agreement with the County Council includes:-³⁵⁵
- (a) for the lead developer to enter a parent company guarantee or bond for the provision of key infrastructure;
 - (b) a financial contribution, by instalment, for public transport improvements; bus stop/shelter provision; and increased bus stand capacity at Aylesbury bus station;
 - (c) the appointment of a travel plan co-ordinator and payment of an annual sum for yearly review of the plan;
 - (d) provision of off-site highway improvement works in accordance with a Highways Works Delivery Plan;
 - (e) the offer of a safeguarded corridor for the future construction of a link road extending eastwards through the site (if required); and
 - (f) financial contributions related to the provision of a new secondary school (land and buildings); special school facilities at Stocklake Park Special School; and provision of on-site primary school to include loose fixtures and fittings.
- 6.13 The developer also covenants with the Council to pay an administrative fee for the administering of the agreement and monitoring compliance having regard to the Council's Corporate Charging Policy.³⁵⁶
- 6.14 The erection of a primary school on the site would secure necessary school places for the development in accordance with Policy GP.94. Funding would be required for additional special education needs, which would be provided by the expansion of Stocklake Park Special School. Provision is also to be made for new secondary school places (land and buildings) to be built as part of the Kingsbrook development with the financial contribution apportioned to reflect the needs of the appeal development.
- 6.15 The contributions required would be based on the indicative mix of homes and in accordance with the cost multipliers established by the Department for Education.³⁵⁷ It is confirmed that these financial contributions would fall into the category of '*pooled contributions*' and that the pooling limitations set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 would not be exceeded.³⁵⁸

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³⁵⁴ CD2.15 pages 3 & 4

³⁵⁵ CD2.23; CD2.25

³⁵⁶ CD2.20

³⁵⁷ AV/4/16

³⁵⁸ CD2.27

7. Inspector's Conclusions and Recommendation

- 7.1 The references in brackets [*x*] are to the principal paragraphs in my report of the cases from where my conclusions are drawn.

The first main consideration: housing land supply

- 7.2 The position reached shortly before the close of the Inquiry confirms that a 5 year supply of deliverable housing sites against an objective need cannot be demonstrated. The housing provisions of the Aylesbury Vale District Local Plan are out-of-date and the plan itself is time expired. Paragraph 49 of the Framework confirms, in these circumstances, that *'housing applications should be considered in the context of the presumption in favour of sustainable development'*. [1.24(e), 1.27, 1.28, 2.6, 3.2(a), 3.4(a)(c), 3.10]
- 7.3 It is agreed that paragraph 14 of the Framework applies: - *'this means 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 this Framework taken as a whole'*. [1.24(e), 2.3, 2.6, 3.4(c)]
- 7.4 Whilst the assessment of future housing need remains *'work in progress'*, a working assumption of 1,326 dwellings per annum was agreed for the purposes of the Inquiry as being required in the period 2012 - 2033 (excluding vacant dwellings; 20% buffer; and any needs arising from the wider housing market area). The requirement for the 5 year period 2015 – 2020 is calculated as either 1,734 or 1,840 dwellings per annum dependent on a base date for assessment of either 2013 or 2012, respectively, and a resultant supply of either 3.1 years or 2.9 years. [1.27, 1.28, 2.7 – 2.9, 3.2(a), 3.10]
- 7.5 Given the relative imprecision of the exercise as a whole, the further work required to assess a figure for full objectively assessed need, coupled with the narrow difference in the estimated 5 year supply, and its very substantial shortfall in either event, it would be nothing more than speculation, and of no real utility, to attempt to resolve this very narrow area of difference between the parties.
- 7.6 The current housing situation in Aylesbury appears to owe much to market related issues in that, over a period of years, planning permissions have outstripped completions. Nonetheless, the availability of sites yet to be developed has been reflected in forward projections and the overall conclusion that additional sites will be required. [2.12, 2.13]
- 7.7 The major sites in Aylesbury occupy a relatively narrow arc on the outskirts of the town, but each has its own distinct characteristics and provides choice in terms of developer and location. Whilst the appeal site would be located between on-going development at Berryfields and shortly to commence development at Kingsbrook, there is nothing to suggest that it would not widen market choice following the substantial completion of Hallam's Buckingham Park project. [2.14, 3.10]

- 7.8 Inevitably, for a site of this size, and the matters to be agreed pursuant to the grant of an outline planning permission, it would be some time before the construction and completion of new dwellings could make a material contribution to boosting the supply of new homes. Nonetheless, even on the basis of the Council's more pessimistic timeline for completions, there is every indication of a meaningful contribution towards the 5 year supply of housing and an ongoing contribution to the number of dwellings likely to be required in future years. *[2.11, 3.10]*
- 7.9 Moreover, whilst the local planning authority was able to identify several sites where major new housing development might materialise, these are unlikely to make anything more than a limited contribution to the current 5 year supply; and, in any event, a substantial number of new homes will be required for the foreseeable future. *[2.15, 2.16, 3.2(b)]*
- 7.10 Overall, the provision of new market housing, accompanied by affordable housing at the level required by Policy GP.2 and related supplementary planning guidance, against the shortfall in both market and affordable housing, and the government's call to boost significantly the supply of housing, is a factor of very significant weight. *[1.24(f), 2.10, 3.7, 3.8, 3.11, 3.12]*

The second main consideration: landscape

Introduction

- 7.11 There is a wealth of background material relating to the consideration of landscape matters and potential areas for development on the edge of Aylesbury. Whilst it is understandable that comparison might be drawn, the scale and isolation of the counter proposals submitted as part of the Aylesbury Vale District Local Plan have no real materiality in relation to the current proposal; the Core Strategy Inspector's interim findings on 'Area C' are not directly referable to a, now, smaller appeal site; and the relevance of principles found to be important in the consideration of development in a different landscape character area have their own context. *[2.21 – 2.23, 2.40 – 2.45, 3.29 – 3.31]*

Landscape character

- 7.12 There are common themes in the national, regional and local landscape character assessments. At all levels, woodland is noted to be sparse and an opportunity is seen for establishing new areas of woodland. It is acknowledged, regionally and locally, that the edge of Aylesbury and its road corridors are intrusive in the landscape and steps should be taken to secure enhancement. *[2.24 – 2.37, 3.27, 3.28]*
- 7.13 The appeal site itself takes in parts of two local landscape character areas. The Hulcott Vale, embracing the larger, northern, part of the site, is characterised by open arable fields and clipped hedgerows with the Bierton Ridge character area distinguished by a strong pattern of narrow strip fields, generally laid to pasture. *[2.29 – 2.37, 3.38, 3.39]*

- 7.14 The condition of the Hulcott Vale landscape is moderate and its sensitivity is low; albeit a superseded, finer grain, study identified the western part of the character area as having an overall moderate sensitivity. Bierton Ridge is acknowledged to be in good condition with a moderate sensitivity. Neither landscape character area has formal designation; a study to identify sensitive landscapes did not attribute any special value to the areas; and one could be forgiven for characterising the appeal site and the remainder of its character areas as a '*commonplace*' landscape typical of many to be found on the edge of urban areas. [2.31, 2.36, 2.40, 2.41, 2.60, 3.28, 3.38, 3.39, 3.50, 3.51, 4.22]
- 7.15 However, the impact of Aylesbury on the character areas, despite its relatively harsh eastern edge of Watermead, is generally limited and localised. In this regard, built development sits on lower land with the appeal site rising gradually eastwards with gaining containment by hedgelines and the rise to the Bierton ridge spur. Northward, Watermead has a very short leading edge of buildings and a very minor influence on the Hulcott Vale. [2.46 – 2.49, 3.40]
- 7.16 The growth of Bierton, in and around Great Lane, has protruded into the Bierton Ridge character area and has a notable influence on that part of the same character area within the appeal site. Nonetheless, Bierton, as a whole, has had limited influence on the greater part of the character area. [2.46]
- 7.17 It is not uncommon for Landscape and Visual Impact Assessments accompanying a development proposal to come under close scrutiny and criticism from parties seeking to resist the project. That occurrence is no different in this case and judgements between professionals inevitably vary. The criticisms made do not require individual comment in so far as the overall impression gained is that of an assessment which is skewed towards a focus on the negative aspects of the respective landscape character areas whilst understating their positive characteristics. [2.55, 3.36, 4.11 – 4.13, 4.19]
- 7.18 In general terms, the impact of built development, and road traffic corridors, on the landscape character areas is limited and restricted to the edges of the appeal site; and these influences dissipate sharply with distance and the shielding effect of hedgerows and topography. The appellant's Landscape and Visual Impact Assessment therefore starts from the mistaken premise of undervaluing the sensitivity of the receiving landscape as a whole which, in turn, diminishes subsequent judgements on the magnitude of change and the ability of the landscape to absorb development. [2.58 – 2.65, 3.47, 3.49, 4.19(a)]
- 7.19 By way of more detailed analysis, the development in the southern portion of the appeal site would remove key landscape characteristics, notably the narrow strip fields, ridge and furrow and its predominant use for grazing. It would also have the effect of compounding the impact of ribbon development along the A418 and, with the exception of narrow remnant gaps on both sides of the road, the built-up area of Aylesbury would run out into Bierton. Additionally, the detracting suburban fringe of the town would become more marked by its projection into the landscape which makes up the character area. [2.33 – 2.35, 3.44, 4.17]

- 7.20 Although Watermead in particular has, undoubtedly, had an impact on the perception of the countryside immediately to the east, its overall influence is very narrow. In this regard, with limited public rights of access in the locality, the identified remote character and sense of visual containment in this part of the Hulcott Vale is tangible; and these characteristics would be lost by the proposed development. Moreover, of specific significance is the manner in which the area is overlooked in long distance views from the surrounding area, notably from the Weedon Ridge Landscape Character Area which has a high degree of sensitivity. *[2.38, 4.18]*
- 7.21 In this regard, the generally discrete presence of Watermead would give way to new development extending northwards and eastwards. In the case of the latter, new housing would rise onto higher land, and crucially, spill over the Bierton ridge spur with an outward north-easterly facing aspect in the general direction of the Weedon ridge. This would result in an adverse effect on the views from the ridge over the surrounding countryside which would be particularly marked from public rights of way, with resultant adverse effects on the character of the Weedon Ridge Landscape Character Area. *[2.63]*
- 7.22 The scheme as presented relies on strong perimeter planting to the north and east to provide an appropriate interface with the River Thames and the valley landscape. The details are illustrative but the Parameters Plan shows deep, scalloped, boundary planting in distinct contrast to the regular lines of hedgerows and intermittent defining trees which typify the landscape. *[1.23, 2.51, 2.52, 2.70, 3.43]*
- 7.23 Although the details of the depth and density of planting would form part of the details to be decided in the submission of reserved matters, the aim of embracing the development with substantial green infrastructure, so as to create a suitable relationship with the countryside, would rely on substantial block planting. This would be especially relevant along the various northern edges of the site where built development would have a nearer presence and where it would be desirable to 'screen' the new housing on the rising ground of the Bierton ridge spur. *[3.42]*
- 7.24 Whilst it is acknowledged that the local landscape could be enhanced by new woodland planting, appropriate to the character of the landscape, the essence of that proposed has the hallmarks of having the purpose of seeking to mitigate uncharacteristic development rather than securing a benefit to the landscape itself. In this regard, the indicative extent and scale of the proposed woodland planting would be at odds with the more open character of the landscape and it would, inevitably, be perceived as part and parcel of the consequences of extensive, and inappropriately located, new house building. *[2.54, 2.63, 2.64, 2.70 – 2.75, 3.41]*
- 7.25 The very rationale of seeking to remove the influence of the eastern edge of Aylesbury on the adjacent landscape by adding built development, and substantial green infrastructure to ameliorate its impacts, would have the unintended consequence of compounding the influence of the urban area and related alien planting on to the adjacent landscape character areas. This would be a notable disadvantage of the proposed development. *[3.16, 3.17, 3.32 – 3.35, 5.7]*

Visual effects

- 7.26 Despite the extensive boundary of the urban edge formed by Watermead and Oldhams Meadow, and the broader area of Aylesbury itself, the built-up area is remarkably well contained by topography and vegetation in views from the north; with the Chiltern Hills providing a robust backdrop to the town. Bierton is generally inconspicuous in views from the north with only minor elements, including the relatively diminutive landmark of the church, apparent in the wider rural scene. [4.21, 4.27]
- 7.27 The Visual Impact Assessments prepared by Hallam and the Council show a very substantial divergence in professional opinion as to the significance of effects with the latter consistently applying higher sensitivity and magnitude of effects with different conclusions on 18 of the 23 viewpoints. However, the Council's assessment, for each viewpoint, is accompanied by a description of the baseline and a subsequent assessment of effects which is both referable and transparent. The same cannot be said for the appellant's approach. [2.66 – 2.68]
- 7.28 For ease of consideration, generally based on common differences, the various viewpoints fall into a number of groups. Those to the north, along the Weedon ridge and from the footpaths striking out from the settlement (viewpoints A, B, C, D and E) can be considered 'as one', albeit acknowledging that the views are subject to variation. [2.56]
- 7.29 In general terms, and supported by my own observations, it is clear that the existing views are rural in nature, moderately far reaching and at times panoramic with parts of Aylesbury visible but not unduly intrusive. The proposed development would noticeably extend the urban influence with graduations of impact on the view, but in each case resulting in harmful change. The mitigating planting would provide some measure of screening over time, but there is every indication that it would, by itself, appear conspicuously different from the landscape in which it would be received. [3.53, 3.54, 4.15, 4.20(d)]
- 7.30 Moving on to viewpoint G, on the Aylesbury Ring Walk, the degree to which the development would be visible from this part of the public right of way would be very limited in extent, but, more significantly, it would break part of the skyline and have a damaging effect on the view. The characteristics of the proposed planting would be less noticeable given the position of the viewer more-or-less at the base of the valley slope. [3.46]
- 7.31 Taking viewpoints L, N, O and V, Grendon Hill Cottages, Grendon Hill Farm and two points on the public right of way, the view towards the appeal site is generally open countryside with Aylesbury largely hidden from view. From the vicinity of the farm and the cottages, the proposed development would be moderately close and its presence on rising ground, breaking the skyline, would be pronounced. New foreground planting, below the development, would take time to soften the impact of new buildings and would, in turn, have an adverse impact on the nature of the view. Although parkland and sports pitches would sit between Great Lane and the built development, the layout, use and function of those spaces would,

- by intended design and function, have a distinct affinity to the new urban extension and, at best, a tenuous relationship with the wider rural landscape. [2.57, 3.45, 4.20(e)]
- 7.32 Turning to viewpoint I, The Close, Bierton, where Watermead is hidden from view, the development would have a physical presence beyond the proposed Bierton Park with open countryside giving way to a new built 'urban fringe'. Similarly, in Watermead, from viewpoints J, K and M, residents would lose their aspect of the open countryside with new buildings appearing immediate, gaining in elevation and breaking the skyline. The bordering greenspace corridor, whilst providing separation and softening, would do little to offset the adverse visual impacts to a material degree. [2.53, 3.52, 3.53, 4.25]
- 7.33 From viewpoint R, adjacent to Buckingham Park, the effects of built development would not be so abrupt, but the view of open countryside to the east would give way to the proposed access road and built development beyond, providing a more urban context to this edge of Aylesbury. More significantly, from Weedon Hill House, viewpoint Q, the view would comprise a closer and radically elongated suburban edge to the north of Watermead with the prospect of significant planting beyond the River Thames. [2.68]
- 7.34 Along the A418, linear development on the northern side of the road gives way to the heavily vegetated southern edge of the appeal site (viewpoint T) which, with the 2 strip fields to the south-west, provides a distinct and purposeful gap between Bierton and Aylesbury. The proposed development, heralded by a new access road and house-building in depth, beyond existing retained and proposed planting, would result in the loss of some vegetation, removal of the countryside aspect of the locality and, as a consequence, draw the respective settlements closer together. [2.68, 2.87]
- 7.35 Finally, from within the site, at viewpoint W, the rural ambience of the public right of way from Watermead to Bierton, would be swamped by new development and the need to cross the Main Link Road. A short journey across fields would be lost to a route without any semblance of reference to the countryside. [3.48]
- 7.36 From the foregoing, it is apparent that the visual impacts of the proposed development would be demonstrably more marked than assumed by Hallam. In this regard, the visual impacts from public rights of way, especially those in the wider, more sensitive, countryside, would be very marked. Nearby residential properties would lose their aspect of the wider countryside and, whilst this is not a good reason to refuse permission, the nature of the intended mitigation would offer little solace as its form and depth would provide limited physical and perceptual demarcation between the established and new communities. Finally, from road corridors, the approach to Aylesbury along the A413 would become more urban and along the A418 there would be an evident blurring of the distinction between Aylesbury and Bierton. Overall, in visual terms, the above factors combine to form a significant negative conclusion. [2.69]

Landscape value

- 7.37 The Framework indicates that *'the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes*'. It does not define a 'valued' landscape but the subsequent text makes specific reference to *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'*. The appeal site is not within a designated landscape which, by implication, lessens its value or, at least, limits the weight to be applied to its conservation. [2.19, 3.50, 3.51, 4.9]
- 7.38 However, the Guidelines for Landscape and Visual Impact Assessment states: - *'The fact that an area of landscape is not designated does not mean that it does not have any value'*. Although this cannot be read into national guidance within the Framework, it nonetheless underpins the landscape character approach to assessing development proposals and the potential value of an undesignated landscape. Here, 'landscape value' is defined as *'the relative value that is attached to different landscape by society. A landscape may be valued by different stakeholders for a whole variety of reasons'*. [2.79, 4.9]
- 7.39 The range of factors which can assist in the identification of valued landscapes include: - *'landscape condition; scenic quality; rarity; representativeness; conservation interests; recreation value; perceptual aspects; and associations'*. [3.55]
- 7.40 The condition of the landscape in the respective character areas is moderate and good; and there are no features within the appeal site which would materially undermine the component attributes. Scenic quality is not of any note; and whilst the appeal site forms a gap between settlements, it would be a step too far to typify this as a rare element or feature in the landscape. The narrow strip fields within the site, and the ridge and furrow, have value in their own right and are both representative and of conservation (historical and cultural) interest. [4.14, 4.16, 4.17]
- 7.41 Whilst a number of local residents clearly cherish the undeveloped nature of the site, formal public access and recreational use is limited to 2 public rights of way with only one of those providing a meaningful connecting route across the site. Moreover, there is no direct link from either settlement to routes into the wider open countryside and the land has minimal recreational value. As to perceptual aspects, parts of the site, with proximity to the wider open countryside, have an air of tranquillity. Other associations are absent. [2.20, 4.18, 5.5, 5.25(b)]
- 7.42 A number of the above components provide little or no contribution towards value; but several elements overlap with other considerations which are discussed in more detail in the third main consideration, with particular reference to paragraph 7.72 below. [2.80, 2.81]

Scheme design

- 7.43 As a broad concept, the design rationale follows the principle of building on to existing built-up areas and enveloping the development with green infrastructure on its countryside edges and, for the most part, where it abuts Bierton. Greenspace would vary in character and function, some

with ecological benefits, and new greenways would link into the wider open countryside. The delivery of such green infrastructure, consistent with the Council's aim of securing new high quality green spaces and a linear park around Aylesbury, would be a notable benefit arising from the project. *[1.21 – 1.23, 3.16, 3.17, 3.60]*

Planning policy

- 7.44 The extent to which Policy GP.35 applies to outline planning applications has been considered in a number of appeal decisions with the majority, and the more recent, confirming its relevance. As such it appears to include landscape protection as one element of the design process; it is criteria based and consistent with the Framework with particular reference to conserving and enhancing the natural environment. *[1.34(b), 2.4, 2.18, 3.4(d), 3.5]*

Summary conclusion

- 7.45 The appeal proposals would result in a fundamental and adverse change to the character of the landscape by undermining its key characteristics and failing to adhere to the relevant guidelines of respecting and enhancing the landscape and ensuring that development contributes positively to sense of place. Moreover, the visual impacts of the proposed development would be especially marked by extending the influence of Aylesbury into the open countryside and spilling over land which currently provides containment to the existing built up area. As such there would be inevitable conflict with Policy GP.35 and also the Framework.
- 7.46 Notwithstanding the ecological and recreational benefits arising from the proposal, the development as a whole would have a very significant adverse impact on the character and appearance of the landscape.

The third main consideration: the setting, identity and historic context of adjacent settlements

Setting and identity

- 7.47 The starting point is whether Aylesbury and Bierton are clearly distinguishable or whether the two settlements are more-or-less as one. There is no doubt that the long string of houses on the southern side of Bierton Road, leading almost without interruption into the heart of the village, has very limited separation from the dwellings served by Coppice Way, Aylesbury. That single, narrow, field gap is matched on the opposite side of the road but thereafter, rather than houses, the allotments occupy a comparable strip field followed by two further similar fields providing, in combination, a more extensive gap. *[2.78, 2.84 – 2.86, 3.58, 3.59]*
- 7.48 The houses within Oldhams Meadow and Watermead are not unduly conspicuous from the A418 and, where views exist from this stretch of the A418, the aspect is across open land towards the Weedon ridge which provides a backdrop to a distinct rural scene. The undeniable sense of separation between Aylesbury and Bierton is reinforced by walking the public right of way between Watermead and Bierton as neither settlement is apparent from the other or for some distance from either end of the route, as a result of topography and hedgerows. *[2.87]*

- 7.49 Overall, the function and value of the gap on the northern side of the A418 as a means of demarcation and distinction between the settlements is far in excess of its modest physical extent. Similarly, from Great Lane and its associated closes, although there are views of taller buildings in the centre of Aylesbury, and a limited glimpsed view of the edge of Buckingham Park, there is no consciousness of the more immediate edge of Watermead in the dip beyond the adjacent undeveloped fields. *[5.1, 5.3]*
- 7.50 Although development has taken place to a limited extent in areas such as Great Lane, Parsons Lane and Burcott Lane, Bierton is characterised by its linear spread along the A418 and the predominant aspect of the village to the south of the ridge. Its older buildings are located generally to the east of the church with comparatively modern suburban type development radiating outwards and shrouding the historic core. Nonetheless, despite the march of modern development, the role of Bierton as a village beyond the town and surrounded by countryside remains readily apparent. *[2.78, 3.58, 3.59, 4.27, 4.30, 4.32, 4.39]*
- 7.51 It is true that new development on the appeal site would not weaken the character of the areas and buildings formally designated for their historic or architectural value. However, notwithstanding the progression of modern development, Bierton would undoubtedly lose its separate identity as a consequence of the scale of the proposal and the manner in which it would connect and merge with Aylesbury, both physically and perceptually. *[1.21, 2.83, 2.87, 3.61 – 3.63]*
- 7.52 Whilst the retained 'gap' on the northern side of Bierton Road would be wider than that opposite, the proposed development would stretch northward across the open countryside and wrap around the eastern and northern edges of Watermead with road linkage to Buckingham Park. The reference to the countryside would disappear and the western edge of Bierton would be pulled into Aylesbury, both physically and by association, to the extent that its heart would also become part of the continuum of Aylesbury. *[3.61]*
- 7.53 The provision of extensive green infrastructure along the eastern side of the development is intended to address the harsh edge to Watermead, by providing a more sympathetic transition into the surrounding landscape, and to strengthen the sense of containment and separation between Bierton and Aylesbury. However, in terms of the former, the proposal would have the effect of tying Watermead to Bierton in overall form and concept; and in terms of the latter, new homes in the south-eastern segment of the site would be an immediate adjunct, albeit beyond a narrow green corridor, to road frontage properties in Bierton. *[3.60, 3.62]*
- 7.54 In this regard, Bierton Park would provide accessible green space for recreation with anticipated use by the new community and also by residents of Bierton. Whilst it would have the benefit of a strong retained hedgerow dividing it from the new housing area, it is likely to be perceived as a complementary element to the new housing development.

- 7.55 Moreover, an element of formality cannot be ruled out and the overall use of the facility is likely to be characteristic of an urban fringe park contained by housing with no direct link to the countryside. More formal sports pitches are proposed immediately to the north-west which would further add to its suburban context. To my mind, this arrangement would merely extend the influence of built development as a continuum of the built-up area across a swathe of open countryside and to link the development as a whole with Bierton. As such it would provide a further agent of harmful and undesirable coalescence. [3.64, 3.65, 4.34]
- 7.56 In addition, although, it is intended to provide what is described as '*a wide corridor of greenspace*' (25 metres in width) between the development and Watermead, its regimented linear form and meagre width, even with sensitive planting, would be insufficient to provide robust separation between Watermead and the new community. This adds emphasis to my conclusions above. [1.21, 1.23(a), 2.48, 2.50, 2.52, 2.83, 2.84, 2.87, 3.32 (b)(e), 3.52, 3.65, 4.19(b)(c), 4.25, 4.58, 4.65, 4.66, 4.70, 5.17]
- 7.57 In light of the above, the appellant's annotated Parameters Plan falls to be considered to determine the degree to which the omission of built development from the A418 frontage and the south-eastern segment of the site (development parcels A and/or B) would offset the identified adverse impact of the development on the individuality of Bierton. [3.66 – 3.69, 4.33]
- 7.58 The deletion of built development from parcel A would remove the immediacy of new housing occupying part of the gap between Aylesbury and Bierton and its direct linkage to, and extension of, the existing frontage development. Carefully designed landscaping of the vacated area could in turn mask the interface of new buildings, other than in direct views along the Main Link Road. [3.68, 3.69]
- 7.59 Nonetheless, the construction of the new access road into the site would, despite the retention of some frontage landscaping and its extension in depth, become the inevitable focus and an urbanising influence on the delicate gap between the two settlements. This would undoubtedly create the impression of the gap being significantly diminished in width and the very presence of the road would change the perception of purposeful open land between Aylesbury and Bierton. Whilst the removal of housing would lessen the effect of coalescence, which should be secured by condition on any grant of planning permission, it would not effectively eliminate it. [3.68, 3.69]
- 7.60 In terms of parcel B, to the south-west of Bierton Park, the proposed housing would be located beyond an existing treed hedgerow which would be reinforced by new planting within the proposed park. Whilst this would go some way towards masking the development from views available from within the residential closes to the west of Great Lane, buildings on the more easterly part of the parcel, before it falls in elevation, would be likely to remain apparent particularly in winter months.

- 7.61 Even without a view of any of the proposed houses, Bierton Park, as perceived by the residents of Bierton would be an inextricable component of the new housing development abutting the very edge of the village. As such the advantage to be gained from omitting buildings from parcel B would be of marginal benefit and, thereby, insufficient to justify a condition attached to any grant of planning permission.

Historic context

- 7.62 Although Bierton has grown and spread over the ages, its historic core remains apparent and generally well-defined. The proposed development would not have any material effect on the setting of its historic assets; and the character and appearance of the Conservation Area would be preserved. *[1.24(h), 3.58, 5.8]*
- 7.63 Bierton has a predominantly linear character along the A418 with few gaps between buildings and a lack of broad views into the wider countryside. This has the effect of making the more important the open land on the edges of the settlement to its overall character and historic association as a village surrounded by open fields. *[2.85, 4.39]*
- 7.64 In terms of the historic field pattern, the characteristic narrow strip fields along the north-western side of the A418 are of particular note, but not readily visible, behind frontage properties to the east of Brick Kiln Lane. Their inclusion within the extended Conservation Area is indicative of their importance. *[2.88, 2.89, 3.71, 4.36, 4.37]*
- 7.65 The 2 frontage strip fields within the appeal site and the 2 to the immediate south-west (the allotments and the field to the north-east of Oldhams Meadow) are divorced from the historic core of the settlement and, not unsurprisingly, are outside the Conservation Area. Nonetheless, despite their lack of specially acknowledged significance, they remain as a recognisable element of the landscape which can be appreciated, to varying degrees, from either Bierton Road or from the public footpath across to Watermead. The survival of these fields, and some ridge and furrow, provides a tangible time depth and an intrinsic legacy to a characteristic part of the historic landscape. *[2.90, 2.91, 3.71, 4.35, 5.8]*
- 7.66 Whilst it is intended to retain much of the field pattern of the site, and the defining hedgerow boundaries, the ability to read or appreciate the history of the landscape of the appeal site as a whole would be seriously diminished by built development. Most significantly, the greatest loss would occur in the southern part of the appeal site where (by reference to the Parameters Plan) the two strip fields would seemingly merge as one and the extent to which they might survive, in part, would be lost to the dominance of the Main Link Road. *[3.72, 3.73, 4.40]*
- 7.67 Although the survival of Parliamentary enclosure fields in the immediate and wider locality is not particularly rare, this does not lessen the significance of the generally well-preserved field pattern associated with Bierton and, in particular, the continued existence of narrow strip fields. In this regard, the countryside broadly to the north-west of the A418, including the appeal site, remains as a largely unchanged agricultural landscape and characteristic setting to the village. *[3.70]*

Planning policy

- 7.68 Policy RA.2 was drafted as part of a development plan which made sufficient allocations for housing. As the housing provisions of the plan are now out of date, the Local Plan Inspector's consideration of a counter proposal for development on a strip of land within the south-western part of the appeal site has no real application to the consideration of the current appeal. [2.76(a)(b), 3.74]
- 7.69 Policy RA.2 has the specific purpose of avoiding coalescence and protecting the identity of settlements. It does not expressly preclude development outside built-up areas and in this regard it is not a policy which relates to the supply of housing. Although circumstances have changed, in a material manner, since the inception of the policy, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the proposal to be determined in accordance with the development plan unless material considerations indicate otherwise. Those material considerations include regard to the Framework as a whole and the current shortfall in housing land availability in the district. [2.77, 3.5, 3.6, 3.75]

Summary conclusion

- 7.70 The appeal proposal would, by design, link Watermead with Bierton resulting in the countryside gap being subsumed by built development and related green infrastructure. Whilst the historic core of Bierton would remain unaffected, the village as a whole would lose its physical separation from the built-up area of Aylesbury with a related impact on its characteristic historic landscape components and setting. The effect of coalescence along the A418 would be acutely felt by the loss of the frontage fields to new housing and the construction of the Main Link Road into the site. The preclusion of built development from parcel A would help to offset the former but not the latter. [4.41, 4.65, 4.66, 5.17, 5.25(c)]
- 7.71 Bierton as a separate entity is likely to undergo a measure of change as development progresses at Kingsbrook, despite the proposed separating green cordon. Whilst this is likely to reduce the sensitivity of Bierton to change, the Hallam development would by its very nature, both in isolation and in combination, have an overwhelming adverse impact on the separate identity of the village and the fundamental objective of Policy RA.2 in seeking to avoid coalescence between settlements. [4.4, 4.42, 4.43, 5.2]
- 7.72 Overall, it is clearly evident that the 'value' of the appeal site is entrenched in its undeveloped nature and the manner in which it provides vital separation between settlements, and its openness and its field patterns which ground it in history. The failure to respond to local character and history, and to respect and protect the natural environment, are significant shortcomings which stand at odds with the intentions of the development plan and also with the Framework. [2.79, 2.82]
- 7.73 On this basis, despite the appellant's claim, there is nothing to support the proposition that any conflict with Policy RA.2 (and GP.35) should be tempered by the age of the plan. [3.113]

The fourth main consideration: best and most versatile agricultural land

- 7.74 It has been shown over a number of years that Aylesbury's development needs could only be met by using a significant proportion of greenfield land as evidenced by the development of urban extensions at Berryfields, Buckingham Park and Kingsbrook. The Framework points to the use of areas of poorer quality agricultural land in preference to that of higher quality; and the need to consider the economic and other benefits of the best and most versatile agricultural land. [2.92]
- 7.75 The amount of grade 2 and sub-grade 3a land, in combination, within the site is not insubstantial and the former has particular value given its sparseness across the region. Although much of the better land would be included within areas without built development, and soil quality could be retained with appropriate handling and management techniques, it would be disingenuous to suppose a realistic prospect of the land being returned to agriculture as its use for recreation would form an integral and essential component of the new residential neighbourhood. [2.100, 3.76, 3.79, 4.44, 5.6]
- 7.76 It is common ground that the loss of agricultural land within the site would not threaten the viability of any existing farm enterprise or the livelihoods of those who farm it. However, neither this, nor the theoretical reversibility of the open land uses and the potential return to agriculture, have any material bearing on the principle of seeking to minimise the loss of best and most versatile land. [3.78]
- 7.77 A number of appeal decisions, and the Core Strategy Inspector, have grappled with the matter of using best and most versatile agricultural land for residential development. At Hampden Fields the loss of a greater area than envisaged here was a negative but not determinative consideration. [2.96, 2.97, 3.80, 3.81]
- 7.78 However, in terms of the current appeal, there would be a notable loss of relatively sparse grade 2 land; the higher quality land is, more-or-less, a self-contained entity rather than pockets amongst lesser quality land; and the land affected does not show particular informal recreational pressures resulting from the proximity of neighbouring built-up areas. Moreover, there is nothing inconsistent with current farming practices or land ownership which would fundamentally constrain the use of the best land to its full potential at a future date. [2.95]
- 7.79 In terms of the assessment in the Environmental Statement, it is arguable as to whether the sensitivity to loss and magnitude of loss is appropriately categorised as '*medium*' in that best and versatile agricultural land is a finite resource and of importance in the national interest. In any event, given that land occupied by greenspace would, in all reality, be lost to future food production, the impact would be at least '*moderate adverse*'. [2.98, 2.99, 2.102, 3.77]
- 7.80 Whilst much might be made of terminology, and what threshold is appropriate to the relative magnitude of impact, the telling factors here are that the loss of 55 hectares of best and most versatile land, including 19.5 hectares of grade 2 land, amounting to some 45% of the area of the

appeal site, would be, in its own right, a loss of material significance which would radically undermine the sustainability claims of the proposed scheme and it is a negative matter, of moderate weight, to be applied in the planning balance. [2.93, 2.94, 2.101, 3.80, 3.81, 5.25(f)]

The fifth main consideration: mix of uses and sustainability

- 7.81 The nub of the issue here is whether the proposed development should include a greater proportion of dedicated employment land to serve the needs of the new population.
- 7.82 In general and simple terms, it makes good planning sense to match housing and employment needs and to minimise the need to travel with the Framework acknowledging (at paragraph 70) that planning policies and decisions should *'ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'*. However, it has to be said that the task is particularly difficult when considering a development proposal in isolation. [4.45]
- 7.83 In this regard, the Framework indicates (at paragraphs 160 and 161) that as part of the plan-making process *'local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area the needs for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity*
- 7.84 In the absence of any clear development plan policy framework, it cannot be denied that the appeal site is well located, with opportunities for sustainable travel, to employment premises in Aylesbury town centre and also to a number of existing employment sites. However, that is not to say that these would necessarily provide a sufficient proportion of jobs for the new population or that there is an adequate supply of land and buildings to meet likely employment needs. [2.103, 3.82]
- 7.85 On the information available it is clear, over a number of years, that house building in Aylesbury has outstripped the relative growth of new jobs; and a significant number of new jobs will be required to meet future population forecasts and housing requirements so as to minimise already high levels of out-commuting. Nonetheless, substantial new employment opportunities have already been created and further jobs are programmed on various developments. However, there is further evidence that the overall need and demand for employment land will not be met by planned commitments. This uncertainty is further clouded by the appellant's contradictory position in relation to its justification in promoting a mixed-use development to the north of Buckingham Park and, more-or-less at the same time, denying the prospect of employment land within the appeal site. [2.104, 2.108, 2.109, 3.83 – 3.86, 4.46 – 4.49]
- 7.86 The Council has placed reliance on the Aylesbury Vale Economic Development Strategy 2011- 2014 and its aim to *'ensure that there is an element of balance between where new homes and jobs are located'*. However, that is but one element of a wider approach which, for ease of reference, is quoted below (extracts from CD3.29 paragraphs 5.7 and 5.8):-

'In terms of overall approach there is not a simplistic formula to directly relate new jobs to homes or vice versa. There is likely to be a mixture of strategic and non-strategic employment sites allocated through the Vale of Aylesbury Plan In summary, there is a need for an approach that will: deliver strategic sites for large scale employment uses in multiple locations across the Vale; ensure that there is an element of balance between where new homes and jobs are located'

- 7.87 The expression of these objectives is made in broad terms with nothing to suggest whether *'an element of balance'* should be achieved on a site by site basis or across a broader area. Moreover, the local planning authority has not given any express indication of the quantum reasonably required or expected of the development, other than by reference to a range of provision made in other development proposals. Achieving that balance is likely to flow from strategic planning decisions, based on robust evidence, and development management policies supported by other tools (including, by way of example, supplementary planning documents and site specific planning briefs). [2.105]
- 7.88 In the meantime, there is logic in the expectation that urban extensions should incorporate a genuine mix of uses, including employment opportunities for the new population. Whilst it would be naïve to expect self-sufficiency or containment, the number of anticipated jobs (excluding people working from home) within the proposed development would appear to be markedly low. Nonetheless, without clear guidance as to the quantum reasonably required or expected, it would be difficult to attribute a specific *'degree of harm'* to the absence of such provision. [2.105, 2.106, 4.50, 5.6, 5.25(g)]
- 7.89 Moreover, there is no evidence to indicate the proportion of new residents who might seek employment in the immediate locality of their homes or any study to show the likelihood of take up in the event of provision being made available. The apparent inertia at Berryfields might be a cautionary sign. In addition, it is possible that an impromptu dispersed provision of employment opportunities might have unintended consequences for the town centre, other locations and cross town travel. [3.85]
- 7.90 Comparison has been made with the decision at Quarrendon Fields where the Secretary of State found that the lack of employment as part of the project weighed against the overall scheme. The current appeal proposes a similar number of houses and it is also located on the edge of the town. However, some distinction can be drawn to the greater accessibility of the appeal site to other existing and planned employment provision which was a particular failing in the Quarrendon Fields scheme. [2.107, 3.87, 4.51]
- 7.91 Overall, the proposed level of employment provision within the site would be little more than that required to support the operation of the essential facilities serving the development. Good planning suggests that a higher number of jobs would render the development more sustainable by providing greater opportunity for a higher proportion of new residents to live and work locally.

- 7.92 However, with a policy vacuum and a lack of strategic clarity, and without any real understanding of the likely interaction between new residents and on-site employment provision, or the extent to which they might add to out-commuting, it cannot be said, with any confidence, that the proposed mix of uses would lead to an unsustainable form of development. As such, this matter is neutral in the overall planning balance. [2.112, 2.113]

The sixth main consideration: highways and transportation

Introduction

- 7.93 In light of the decision on the conjoined Inquiries and the local planning authority's confirmed revised position, this consideration no longer relates to potential cumulative highways and transportation effects. [2.114, 2.118]
- 7.94 Further, following the Statement of Common Ground on Highway Matters, the proposal would provide appropriate bus service provision, a Travel Plan, and opportunities for walking and cycling. Although Bierton with Broughton Parish Council, in particular, raises concern about some aspects of wider cycle provision, this would not seriously undermine the credentials of the proposal in promoting opportunities for sustainable travel. [1.31(a), 3.19, 3.20, 5.14]

Network performance

- 7.95 The A413 and the A418 corridors form important arterial routes into and out of Aylesbury. Both suffer from extensive and debilitating congestion at peak hours and a number of junctions perform poorly. However, the construction of the Main Link Road through the site, and the transfer of some traffic along this route, and a package of mitigation measures, would provide relief to the majority of the affected junctions and result in a reduction in the average travel time across the wider network. Despite the local planning authority's position, the very substantial improvements to these routes would have considerable benefits for peak hour traffic flows. The improvements at the A418/Elmhurst Road/Douglas Road (A4157) roundabout and at the A413/Weedon Road/Elmhurst Road (A4157) junction would be particularly striking. [2.115, 2.136, 3.21, 3.88, 3.89(c), 3.95(b), 3.102]
- 7.96 In terms of the junctions which would experience additional flows and/or queue lengths, and where it has been agreed that mitigation would not be required, the consequences would be of a relatively minor nature and any dis-benefits would be far outweighed by the significant improvements to be realised elsewhere. In this regard, the proposal would fulfil the strategic objective of reducing congestion, inconvenience and hazards on part of the local highway network. However, these benefits stand alongside the effects of added traffic on the A418 through Bierton. [2.116, 2.117, 2.133, 3.90]

Main Link Road and impact on Bierton

- 7.97 The underlying purpose, according to the appellant, of the Main Link Road is to provide vital strategic infrastructure for the wider benefit of the town thereby securing a strategic connection between the A413 and the A418. However, the Council has no desire for a new, unplanned and incompatible,

strategic connection in the manner proposed. In this regard, the effect of constructing an enhanced link between these busy road corridors would undermine the aim of reducing the strategic role of the A418 through Bierton. Bierton with Broughton Parish Council, representing the views of the community, has similar concerns. [2.119 – 2.122, 2.125, 2.134, 2.135, 3.91, 5.10 – 5.13, 5.23, 5.24, 5.25(e)]

- 7.98 The village of Bierton manifestly suffers from the impacts of through traffic, with notable queuing in the morning peak arising from Aylesbury bound traffic, and it is not well suited, in physical terms to this role. The long term objective and benefits of securing improvements is not in dispute. The relatively recent grant of planning permission for Kingsbrook and its related highways infrastructure, and the funding for integral components of the Eastern Link Road and the Stocklake Link, make that aspiration more certain. The anticipation is that traffic through the village would reduce by more than 57%, compared to current levels, resulting in a very marked improvement to residents' overall quality of life. The matter in dispute focuses on the extent to which the proposed development would undermine those benefits. [2.124, 2.126, 3.93, 3.94]
- 7.99 In terms of traffic flows, two-way movements across the peak hour would continue to show a significant reduction by some 52%. Although the development would, at worst, result in a 33% increase in traffic heading away from Aylesbury in the morning peak, when compared to the improved position, that flow would still be more than 50% lower in numerical terms than the current position. [2.127, 3.95(d), 3.101, 4.92]
- 7.100 Moreover, taking account of the predicted reduction in traffic and the benefits of traffic calming, the traffic generated by the proposed development would result in minimal additional delays for pedestrians crossing the road; and traffic volumes would remain substantially below the design capacity of the road. [3.89(a), 3.95(a)(c)]
- 7.101 However, the modelling work undertaken leaves a number of uncertainties and, compounded by the fickle nature of drivers, the reduced traffic through Bierton could make the route potentially more attractive to motorists seeking to avoid higher volumes of traffic on the 'designated' ring road route. Although junction design and traffic signalisation could influence traffic patterns (for example by making a particular turn unattractive through delay) the possibility of creeping, incremental, growth of traffic along the A418 could not be ruled out. [2.128, 2.129, 3.92(f)]
- 7.102 Looking at the issue as a whole, the development of the appeal site would undoubtedly generate additional traffic through Bierton which would be at odds with the principle of seeking to reduce through traffic, but the impacts would be relatively slight and insufficient to warrant a free-standing reason for dismissing the appeal. [3.91, 4.93]
- 7.103 Nonetheless, the reintroduction of traffic over and above the expected reduced levels would undermine the benefits likely to be secured as a result of new infrastructure in the wider locality which will reduce congestion, inconvenience and hazards on this part of the A418.

- 7.104 Additionally, whilst the modelling undertaken has been robust, it cannot predict the impacts of yet unknown future developments in and around Aylesbury or driver preference. Whilst it would be reasonable to assume that the reduced traffic levels through Bierton would be likely to increase over time by degree, there is insufficient evidence to conclude that the provision of a Main Link Road through the site would have an inevitable demonstrably adverse effect. *[2.129]*

The Northern Link Road

- 7.105 The rationale for a Northern Link Road flows from the broad objectives of the County Council pursuing highway improvements around the periphery of Aylesbury in order to facilitate new development and to provide relief to the congested roads in and around the town centre. However, there is no formal policy framework to support the strategy. *[3.92(a)(b)(c), 3.100]*
- 7.106 The principle of the Northern Link Road had its origins in the identification of a significantly larger potential area for development ('Area C'), including the appeal site, which was promoted as part of the (withdrawn) Core Strategy. That development would have provided for a new link road from the A413, at Buckingham Park, to the A418, some distance to the north-east of Bierton and for a spur through the development emerging on to the A418 immediately to the south-west of the village. *[2.122, 2.123, 2.130, 3.96]*
- 7.107 Much has been made of the failure of the proposal to adhere to a pre-determined provision of highways infrastructure which other developments have followed and enabled where planning permission has been granted. However, the evidence shows that a significant element of 'Area C' could have been built and occupied before the need arose for the provision of the entire Northern Link Road. It is also common ground that such a route is not required as a prerequisite to the development the subject of this appeal. *[3.99]*
- 7.108 Nonetheless, the desire to protect a route remains in the event that larger scale development in this quadrant of Aylesbury might be the subject of future consideration. On this basis, it is important that the development of the appeal site should not frustrate the means to further development if future housing needs so require. The imposition of a condition to secure a route north-eastward from the site, and the related planning obligation, would provide the necessary safeguards. *[2.124, 3.97 - 3.99]*

Other matters

- 7.109 In terms of the outstanding issues of concern to Bierton with Broughton Parish Council, a number of these were answered in the course of the Inquiry. The intended widening of the A418, with the realignment of its Aylesbury bound carriageway, to accommodate the junction with the Main Link Road, would take place wholly within existing highway limits and it could be achieved without any other orders or consents. Traffic, parking and cycling issues along or off Great Lane are matters capable of further consideration in the submission and approval of reserved matters; and the closure of redundant access points is required by recommended condition 13(b) (Annex C). *[5.14]*

Summary

- 7.110 In terms of accessibility and the measures to facilitate a choice of transport mode, the proposed development would fulfil the objective of promoting sustainable travel.
- 7.111 The development would deliver a number of very significant benefits for the wider highway network which would far outweigh any comparatively minor adverse impacts elsewhere. At the same time, the proposal would generate added traffic movements through Bierton, coinciding with other measures to significantly reduce traffic through the village, which would have only a marginal adverse impact. Whilst it would be reasonable to suppose, over time, that the level of impact would increase, there would remain an insufficient basis to anticipate or attribute significant adverse effects arising from the provision of the Main Link Road through the proposed site.
- 7.112 Although the provision of a Northern Link Road does not have any firm policy foundation, the aim of safeguarding a future route would not be frustrated by a conditional grant of planning permission for the proposed development.
- 7.113 On balance, the proposed development would not have a clear-cut adverse impact on the strategic objective of reducing congestion, inconvenience and hazards on the local highway network when considered as a whole. This conclusion stands as neutral in the overall planning balance.

The seventh main consideration: flooding

- 7.114 The concerns about flooding are restricted to the representations made by Watermead Parish Council, local residents and the Consortium. The local planning authority has confirmed that the flooding implications of the proposed development have been appropriately addressed. [1.24(a)(g), 2.37, 3.104, 4.55]
- 7.115 The Framework, at paragraph 103, indicates that when determining planning applications the decision maker should:- *'ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk; development is appropriately flood resilient and resistant; and it gives priority to the use of sustainable drainage systems'*.
- 7.116 In essence, Flood Zone 1 (low probability) comprises land assessed as having a less than 1 in 1,000 annual probability of river flooding and all uses of land are appropriate in this zone. Zone 2 (medium probability) has between a 1 in 100 and a 1 in 1,000 annual probability of flooding and is regarded as suitable for essential infrastructure. [4.97]
- 7.117 Zone 3a (high probability) relates to land with a 1 in 100 or greater annual probability of river flooding and essential infrastructure should only be permitted if the Exception Test is passed. The functional floodplain is categorised as Zone 3b. Essential infrastructure may be permitted where

- it is designed to remain operational and safe for users in times of flood; result in no net loss of floodplain storage; not impede water flows; and not increase flood risk elsewhere.
- 7.118 The majority of the appeal site lies within Flood Zone 1 with no flood risk impediment to development. However, the northern corridor of the site is located within Zones 2 and 3a of the River Thames and the Sequential Test and Exceptions Test apply. [1.24(a)]
- 7.119 The execution of the Sequential Test in the Flood Risk Assessment might be criticised for its relative superficiality, in its sole reference to sites under consideration for earlier proposed growth options for Aylesbury and without clear comparison of the wider flood risk benefits that might arise from those other sites. However, whilst sites at Fleet Marston and Hampden Fields, in particular, might have merited direct comparison, in that they were the subject of formal development proposals, the dismissal of those appeals renders unnecessary such an exercise. Moreover, the Council has confirmed that the relevant Test has been met. [3.104, 4.98, 4.99]
- 7.120 For the Exception Test to be passed the Framework requires *that 'it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere, and where possible, will reduce flood risk overall'.* [3.105]
- 7.121 The sustainability benefits of the proposed development are assumed in the Flood Risk Assessment and rely primarily on the strategic work undertaken for the Core Strategy with the much larger 'Area C' being regarded as highly suitable for development. Whilst there is no specific consideration of the appeal proposal, it remains relevant to note that there is a pressing and urgent need for additional housing provision within Aylesbury Vale. The first component of the Exception Test has therefore been met. [3.106]
- 7.122 Secondly, a Flood Risk Assessment must demonstrate that the development would be safe. In this instance there is nothing to suggest that the inclusion of an access route through the higher risk flood zone would be unsafe; and, in any event, it is proposed to minimise risk by bridging the lower lying land with a suitable structure designed to avoid impeding water flow. [3.107]
- 7.123 The development would also manage run-off from the site with an appropriate sustainable drainage regime and run-off rates would be considerably less than arising from the site in its undeveloped form. Greater protection would be provided to properties on the eastern side of Watermead with the provision of a suitably engineered ditch along the western boundary of the site; and a detention basin to provide compensation over and above areas of floodplain lost to engineering works. [3.18, 3.108, 5.20]

- 7.124 Although it is noted that flooding in and around Watermead is of particular concern, there is no technical evidence to show that the appeal proposal would exacerbate local flooding. Indeed, the overall scheme has been designed to regulate drainage with the intention of achieving a wider benefit to Watermead and locations downstream. The second limb of the Exception Test has therefore, demonstrably, been met. It follows that the development would be consistent with the objectives of the Framework and it would add a moderate benefit in the overall planning balance. [4.59 – 4.61, 4.67, 4.69 – 4.71, 5.6, 5.16, 5.18, 5.19, 5.21, 5.22, 5.25(d)]

The eighth main consideration: conditions and obligations

Planning conditions

- 7.125 There is a schedule of draft planning conditions agreed by the Council and Hallam. Some require minor amendment (typographical, grammatical or clarity) with the more major changes identified below. A list of recommended conditions is set out in Annex C should the Secretary of State decide to allow the appeal. [2.138, 3.109, 6.1]
- 7.126 **Conditions 1, 2 and 4** define the scope of the permission including: - the approved plans; the maximum number of dwellings to be constructed consistent with the terms of the application; and the design principles and building heights. These are required for the avoidance of doubt, in the interests of proper planning and to secure good design.
- 7.127 In accordance with my conclusions, in paragraphs 7.58 and 7.59, above, no built development, other than the site access, services and other related infrastructure shall take place in development parcel A; and landscaping arrangements for that area are to be agreed and implemented - **Condition 3** refers.
- 7.128 **Condition 5** defines the number of areas required for equipped play, by type and according to the size of the development, and for the provision of allotments. It also ensures the future management and maintenance of these facilities in accordance with a scheme to be submitted to and approved in writing by the local planning authority before any development takes place. These are essential amenities for a new community.
- 7.129 **Condition 6** requires the safeguarding for any future highway connection between the A413 and the A418 as described in paragraph 7.108 above. **Condition 7** provides for infrastructure as an essential element of the new development.
- 7.130 **Conditions 8 - 13** relate to the submission of reserved matters and the commencement and timing of development as it progresses through successive phases so as to secure orderly construction. Appropriate landscaping is provided for in **Conditions 14 - 16**.
- 7.131 An agreed Design Code is an important pre-requisite to embrace the principles embodied in the Design and Access Statement, in **Condition 17**, and to deliver good design. In the interests of amenity and safety, **Condition 18** requires the development to be undertaken in accordance with an approved Construction Environmental Management Plan.

- 7.132 Ecological interests are to be safeguarded in **Condition 19** with a revised form of wording to secure Landscape and Ecological Management Plans for the construction of the access routes into the site. **Conditions 20 - 24** reflect the requirements of the Flood Risk Assessment and related mitigation.
- 7.133 **Condition 22** requires agreement on a timetable for implementation. Potential matters of archaeological significance within the area also require safeguarding as provided for in **Condition 25**.
- 7.134 **Condition 26** limits the A class uses within the local centre to the overall area proposed in the application and sets a restriction on individual units to ensure that they remain an appropriate size. Agreement on slab and finished site levels, in **Condition 27**, is to ensure a satisfactory form of development with individual elements well-related to each other.
- 7.135 Essential highway requirements are to be found in **Conditions 28 – 31**. In terms of Conditions 28 and 29, the responsibility lies with the local planning authority to approve details and there is no need to include any related consultation arrangements with other parties.
- 7.136 The importance of high speed broadband is reflected in **Condition 32**; and appropriate measures to deal with any unexpected contamination being present within the site can be achieved in **Condition 33**.
- 7.137 The sustainability credentials of non-residential buildings is an important objective to be secured by **Condition 34**; and an overall energy strategy for the development, in **Condition 35**, would be consistent with broad sustainability objectives. The protection of homes from road traffic noise, through design and construction, is a legitimate requirement as provided for by **Condition 36**.

Planning obligations

Aylesbury Vale District Council and Hallam (and others)

- 7.138 Clause 20 in the interpretation of the deed states: - *'If the Secretary of State (or his Inspector) 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 or 123 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'.* [2.139, 3.109]
- 7.139 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 operational programming and monitoring of the development. This is necessary to secure proper planning and to enable the Council to monitor the progress of the project.
- 7.140 Affordable housing is in the fourth schedule with provision on site at a level consistent with Policy GP.2 of the Aylesbury Vale District Local Plan and related supplementary planning guidance. The units would be distributed throughout the development; and the new homes would meet defined

- internal (size, layout, noise, services and light) and sustainability standards. The availability of affordable homes would be phased with completion proportionate to the provision of market housing. Arrangements, in the fifth schedule, are set out for the subsequent management and occupancy criteria of the affordable homes.
- 7.141 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.
- 7.142 The sixth schedule contains the general amenity land (play and sports facilities; and parks and allotments) obligations with arrangements for phased implementation, subsequent management and the application of any related commuted sums. The availability of appropriate open space is an integral component of promoting healthy communities through high quality public spaces and it is underpinned both by development plan policies and the Framework. *[1.34(g)(h)(k)]*
- 7.143 The seventh schedule requires the phased payment of a sport and leisure contribution which would be applied to 2 defined projects in Watermead and Bierton. Notwithstanding the sports and community facilities to be provided within the scheme, large scale housing projects inevitably place increased pressure on existing facilities, or create the demand for new provision, in the wider area. *[1.34(i)(j)]*
- 7.144 In this instance, specific projects have been identified within the immediate locality of the proposed development. On this basis, the principle of the developer making a financial contribution towards facilities, which are likely to attract residents from the new development, in order to make the project acceptable in planning terms, and with a direct relationship to the needs of a new community, would not be unreasonable.
- 7.145 The sums required have a transparent foundation in the Council's Supplementary Planning Guidance and would be proportionate to the number of people likely to be living in a particular phase of the development. Moreover, they would not exceed the 5 obligations limit for pooled contributions. *[2.139, 3.109]*
- 7.146 The obligations contained in the eighth schedule would secure the provision of a temporary community centre at an early stage and a permanent building at a defined point in the development. The ninth schedule relates to the provision of a serviced site for a local centre before the occupation of the 500th dwelling within the development. Both of these elements have support in the development plan and the Framework and are to be regarded as crucial to the delivery of the facilities and services a new community needs. *[1.34(i)]*
- 7.147 Clause 9.2 also provides for an annual payment of £3,000 to cover the Council's costs of administering and monitoring the obligations contained in the deed. Given the extent and nature of the work likely to be required of the Council, and in light of its published policy, the payments would be justified, proportionate and transparent. *[2.139, 3.109]*

- 7.148 In summary, the obligations set out above would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. There is nothing to suggest that the fulfilment of the obligations would undermine the financial viability of the project. Accordingly, the planning obligation as a whole would meet the statutory tests in the Community Infrastructure Levy Regulations 2010 and the related guidance in the Framework. As such, the bi-lateral agreement falls to be taken into account in the final planning balance.
- 7.149 In terms of the financial contribution sought by Watermead Parish Council, for the management and maintenance of its own recreation facilities, there is nothing to show how the proposed development might add materially to the Council's existing responsibilities. Moreover, there is no development plan policy foundation and no suggestion that the development could only be considered to be acceptable in planning terms subject to the requested financial contribution. [4.64, 4.74]
- 7.150 Similarly, the request for the developer to enter into a planning obligation to fund a study relating to flooding associated with Watermead Lake, and to pay a commuted sum for ongoing maintenance of the lake, would not be directly related to the proposed development, having particular regard to the Flood Risk Assessment, or reasonable or necessary in light of the tests set out in the Community Infrastructure Levy Regulations 2010. [4.72]
- 7.151 Accordingly, the absence of any provision for the contributions sought by the Parish Council is not a matter of any material weight.

Buckinghamshire County Council and Hallam (and others)

- 7.152 The obligation, like that above, contains a clause which requires the decision taker to confirm compliance, or otherwise, with the relevant tests in the Community Infrastructure Levy Regulations 2010. [2.139, 3.109]
- 7.153 The first schedule defines the development. Highways and transport is the subject of the second schedule with financial provision, by instalment, for a bus service between the site and the town centre, at defined frequencies, in order to encourage the use of a non-car mode of travel. The employment of a travel plan co-ordinator, and the implementation of the travel plan consistent with condition 28 (Annex C), would be fundamental to the same objective.
- 7.154 The provision of a number of highway works, as essential mitigation and to minimise adverse impacts on the wider highway network, was a critical component to the Statement of Common Ground on Highway Matters. Although some of the measures would have the effect of improving the operation of particular junctions, with wider public benefits, these would be an 'incidental' consequence to the works required to mitigate the impact of the development.
- 7.155 Funds relating to bus shelter provision on the A413, although of possible wider benefit to residents of parts of Watermead and Buckingham Park, are intended primarily for the benefit of the new residents of the proposed

- development and to make the overall package of public transport more attractive. Similarly, the bus station contribution would be used to increase capacity within, or close to, the existing bus station to accommodate the new service to be provided for the development.
- 7.156 The protection of a corridor of land from built development, in the north-eastern segment of the site, would be a means to safeguarding an achievable route for the future provision of a Northern Link Road. There is nothing to suggest that this would amount to unreasonable sterilisation of part of the site in that the protected route could be incorporated into the layout of the site as part of any reserved matters submission. Moreover, it would make good planning sense as the absence of such a link on to adjoining land could have the undesirable consequence of sterilising land that might fall to be considered, or promoted, for future development as part of the longer term housing needs of the district.
- 7.157 Education facilities, to be secured as set out in the third and fourth schedules, would ensure primary school provision within the development related to future population needs. Secondary school accommodation would be met by a financial contribution, calculated relative to the new population, as an expansion of the new secondary school which is to be built as part of the Kingsbrook development. Additional special school facilities would be met in a similar way, by contribution, to expand nearby provision.
- 7.158 Education provision as set out above would be underpinned by Policy GP.94 of the Aylesbury Vale District Local Plan and also by paragraph 72 of the Framework. In addition, it has been confirmed that the pooling restrictions imposed by Regulation 123 of the Community Infrastructure Levy Regulations 2010 would not be exceeded. *[1.34(I), 2.139, 3.109]*
- 7.159 The fifth schedule confirms arrangements for a parent company guarantee/bond to ensure the performance of the above key infrastructure obligations.
- 7.160 The deed with the County Council also provides for the payment of an administrative fee which appears reasonable in light of the monitoring and administrative work to be undertaken and the Council's Corporate Charging Policy. *[1.34(I), 2.139, 3.109]*
- 7.161 In combination, the above obligations can be considered to meet the relevant statutory tests.

The ninth main consideration: the planning balance

- 7.162 In noting the criticisms expressed about the consultation arrangements, the views of the local community have been voiced in the letters of representation and by appearances at the Inquiry and subsequently in my identification and consideration of the principal controversial matters raised. *[2.1, 2.2, 3.110(e), 4.62, 4.63, 4.73, 5.25(j)]*
- 7.163 Reflecting on each of these in turn, housing provision in the Aylesbury Vale District Local Plan is out-of-date and the replacement plan, the Vale of Aylesbury Local Plan, is in the early stages of preparation with no material weight attaching.

- 7.164 The district does not have a 5 Year supply of deliverable housing sites and there has been persistent under delivery in the provision of new housing. Paragraphs 49 and 14 of the Framework are engaged and planning permission should be granted for the proposed development 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.
- 7.165 As the Framework says, there are three dimensions to sustainable development: - economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent. The proposed development would be consistent with the economic and social roles by facilitating growth and providing homes and supporting infrastructure and facilities. In this regard, very substantial weight applies, in particular, to the provision of market and affordable new homes; and also to the employment associated with the construction and future maintenance of the development.
- 7.166 In terms of the environmental role, the appeal proposal would have very significant adverse impacts on the character and appearance of the landscape, having taken account of the biodiversity and recreational benefits of new green infrastructure; and the proposal would be in conflict with Policy GP.35. It would also engulf historic field patterns and ridge and furrow; and have the effect of linking Aylesbury with Bierton with a loss of distinct village identity contrary to Policy RA.2. The loss of a significant area of best and most versatile land within the site also tells against the sustainability credentials of the proposal.
- 7.167 The proposed development would be well located and sustainable in terms of its accessibility and its measures to facilitate a choice of travel modes. The lack of employment land within the site, over above that needed to support facilities within the development, is a factor of neutral bearing.
- 7.168 On highway matters, the proposal would deliver very significant benefits to the wider highway network; marginal deterioration would occur at a limited number of existing junctions; and traffic levels through Bierton would increase and undermine the intent of other proposals to reduce through traffic. However, on balance, the impacts would not be severe and would represent a neutral factor in the final balance.
- 7.169 Appropriate community facilities and related infrastructure would be secured by planning obligations. These are fundamental pre-requisites to the creation of healthy communities and to the grant of planning permission. Whilst they fail to be taken into account, they do not have anything more than neutrality in terms of weight.
- 7.170 Finally, it has been shown that the development would not exacerbate surface water flooding in Watermead. On the contrary, the drainage measures for the site would offer the prospect of betterment for the existing community and these sustainability benefits carry moderate weight.

- 7.171 Drawing these various threads into one, it is self-evident that the provision of new housing development, on a substantial scale and on a greenfield site, is likely to result in adverse impacts on the character and appearance of the landscape to varying degrees.
- 7.172 In this case the need for new housing land is a high priority. In landscape terms, the impact on the immediate countryside would be particularly profound in terms of both its character and appearance; the development would have the undesirable effect of merging Aylesbury and Watermead with Bierton; and the loss of best and most versatile agricultural land would be a further negative factor.
- 7.173 The combination of these elements is indicative of a scheme which has failed to pay regard to local context, character and history and to reflect the identity of its local surroundings. As such it would not be consistent with the environmental dimension of sustainable development or the wider aim of securing sustainable development by achieving the economic, social and environmental gains jointly and simultaneously.
- 7.174 Overall, these adverse impacts would be sufficiently wide ranging and intense so as to significantly and demonstrably outweigh the combined benefits of the proposal as well as bringing it into conflict with the development plan and the Framework when taken as a whole.

Recommendation

- 7.175 I recommend that the appeal be dismissed.
- 7.176 However, in the event that the Secretary of State disagrees and allows the appeal, I recommend that the conditions at Annex C be imposed.

David MH Rose

Inspector

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Hereward Phillpot QC

Instructed by
Head of Legal and Estates Services
Aylesbury Vale District Council

He called

Jonathan Bellars
BA, Dip LP(Hons), Dip UD, CMLI

Senior Landscape Architect and Urban
Designer
Aylesbury Vale District Council

Nick Ireland
BA(Hons), MTPI, MRTPI

Planning Director
GL Hearn

Charlotte Stevens
BA(Hons), Dip LP, MRTPI

Senior Planning Officer
Forward Plans
Aylesbury Vale District Council

Del Tester
I Eng, FIHE, MCIHT

Director
Origin Transport Consultants Ltd
Lead Development Officer
Transport for Buckinghamshire
Buckinghamshire County Council

Claire Harrison
BA(Hons), PGDip, MA, MRTPI

Senior Planning Officer
Development Management
Aylesbury Vale District Council

FOR HALLAM LAND MANAGEMENT LIMITED (THE APPELLANT)

Thomas Hill QC

Instructed by
Nick Duckworth
Hallam Land Management Ltd

He called

Brett Coles
BA(Hons), Dip TP, Dip LA, MRTPI

FPCR Environment and Design Ltd

Nicholas Freer
MSc, MRTPI

David Lock Associates Ltd

Jennifer Baker
BSc, MSc, DIC, IEng, AMICE

Odyssey Markides Ltd

FOR BARWOOD LAND AND ESTATES LIMITED (RULE 6 PARTY)

Martin Kingston QC

Instructed by
Wayland Pope
Barwood Land and Estates Ltd

Michael Lowndes
BA(Hons) Dip TP, MSc, DipAA, MRTPI,
IHBC

Planning and Urban Design Director
Turley

Clare Brockhurst
BSc(Hons), Dip LA, FLI

Partner
Tyler Grange LLP

Dr Cullan Riley
BSc(Hons), Phd, MIEEM

Director
Phil Jones Associates Ltd

Michael Taylor
BsocSc(Hons), MSc, MRTPI, MIED

Managing Director
Chilmark Consulting

WATERMEAD PARISH COUNCIL (RULE 6 PARTY)

Sue Severn

Chairman

Roger Cooling

Councillor

INTERESTED PERSONS AND ORGANISATIONS

Brian Robson

Chairman of Bierton with Broughton Parish
Council

Roger Cooling

Resident of Watermead

Christopher Money

Resident of Bierton

ANNEX B: DOCUMENTS

Application Documents

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|----------------|--|
| CD 1.1 | Planning application covering letter dated 17 December 2013 |
| CD 1.2 | Planning application form dated 17 December 2013 |
| CD 1.3 | Site Location Plan |
| CD 1.4 | Parameters Plan (4962/L/104) (Superseded) |
| CD 1.5 | Proposed A418 Aylesbury Road/Link Road Junction – VN112801-ECC-DG-0013 Rev E |
| CD 1.6 | Western Link Road Roundabout – VN112801-ECC-DG-0014 |
| CD 1.7 | Planning Statement |
| CD 1.8 | Design and Access Statement |
| CD 1.9 | Environmental Statement Volume 1: Chapters and technical appendices which includes Arboricultural Assessment |
| CD 1.10 | Environmental Statement Volume 2: Flood Risk Assessment |
| CD 1.11 | Environmental Statement Volume 3: Geo Environmental Phase 1- Desk Study |
| CD 1.12 | Environmental Statement Volume 4: Transport Assessment and Travel Plan |
| CD 1.13 | Statement of Community Involvement |
| CD 1.14 | Sustainability Report – Energy Statement |
| CD 1.15 | Indicative Layout 4962/L/105 |
| CD 1.16 | Letter from PINS 12 August 2014 Regulation 22 Request |
| CD 1.17 | Letter to PINS 18 August 2014 Regulation 22 Request |
| CD 1.18 | Letter to PINS 12 September 2014 Regulation 22 and Update |
| CD 1.19 | Updated Parameters Plan Drawing 4962-L-108 rev A September 2014 |
| CD 1.20 | Environmental Statement Further Information Volume 1 September 2014 |
| CD 1.21 | Environmental Statement Further Information Volume 4 September 2014 |
| CD 1.22 | Strategic Development Committee Meeting Report 25 March 2014 |
| CD 1.23 | Officers Update Report |

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| CD 1.24 | Minutes of Committee meeting, 2 April 2014 |
| CD 1.25 | Agents Letter to AVDC dated 1 April 2014 |
| CD 1.26 | Decision Notice 2 April 2014 |
| CD 1.27a | Consultation response from Highway Authority |
| CD 1.27b | Consultation response from Environment Agency, 10 January 2014 |
| CD 1.27c | Consultation response from AVDC Land Drainage, 3 January 2014 |
| CD 1.27d | Consultation response from Natural England, 3 January 2014 |
| CD 1.28 | Decision Notice (application reference: 13/03534/AOP) |
| CD 1.29 | Transyt Modelling Notes (A413) – October 2014 |
| CD 1.30 | Transyt Modelling Notes (A418) – October 2014 |
| CD 1.31 | Further Information on Bus Provision – October 2014 |
| CD 1.32a CD 1.32b | Drawings(2) illustrating how the provision of the footway/cycleway on the A413 might be accommodated under section 278 arrangements |
| CD 1.33 | Buckinghamshire County Council Consultation Response Letter to AVDC (10 January 2014) |

Appeal Documents

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| CD 2.1 | Hallam Land Management – Statement of Case |
| CD 2.2 | AVDC – Statement of Case |
| CD 2.3 | Barwood Land & Estates– Statement of Case |
| CD 2.4 | Hampden Fields Consortium – Statement of Case |
| CD 2.5a | Watermead Parish Council – Statement of Case |
| CD 2.5b | Watermead Parish Council – Statement of Case - flooding and water management |
| CD 2.6 | SoCG between AVDC and Hallam Land: General Matters - 1 August 2014 |
| CD 2.7 | SoCG between AVDC and Hallam Land: Housing Land - 6 November 2014 |
| CD 2.8 | PINS Pre- Inquiry Meeting Note – 3 September 2014 |
| CD 2.9 | SoCG between AVDC and Hallam Land: Highways - January 2015 |

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| CD 2.10 | Transport Action Plan - January 2015 |
| CD 2.11 | Letter to PINS dated 22.04.2015 and Transport Action Plan, Update, 17.04.2015 |
| CD 2.12 | Statement of Common Ground on Transport Matters Agreed between the Appellant and Buckinghamshire CC: Issue 1 - 9.04.2015 |
| CD 2.13 | Letter to PINS dated 2.06.2015 and Statement of Common Ground on Transport Matters Agreed between the Appellant and Buckinghamshire County Council: Issue 2 - 29.05.2015 |
| CD 2.14 | SOCG between AVDC and Hallam – Housing Land version II: 7.7.15 |
| CD 2.15 | S106 Planning Obligations – CIL Compliance Schedule |
| CD 2.16 | Statement of Common Ground on Transport Matters Agreed between the Appellant and Buckinghamshire County Council: Issue 3 – 17/7/15 |
| CD 2.17 | Note in relation to traffic growth assumptions with the Jacobs Strategic Model reports |
| CD 2.18 | Statement of Common Ground on Transport Matters Agreed between the Appellant and Buckinghamshire County Council – Track changed version from II to III 17.07.15 |
| CD 2.19 | AVDC Review of charges for monitoring and administration of S106 Agreements January 2013 |
| CD 2.20 | BCC Corporate Charging Policy (please also refer to CD 3.9) |
| CD 2.21 | Agreed schedule of conditions 21.07.15 |
| CD 2.22 | S106 Planning Obligation AVDC, Hallam and others: Certified copy 7 August 2015 |
| CD 2.23 | S106 Planning Obligation BCC, Hallam and others: Certified copy 7 August 2015 |
| CD 2.24 | Powers of Attorney in relation to parties to S106: 10 July 2015 |
| CD 2.25 | Summary of S106 obligations |
| CD 2.26 | Summary of changes to S106 obligations |
| CD 2.27 | Education contributions – Regulation 123 CIL compliant note |

Aylesbury Vale District Council, BCC, Development Plan and related Documents

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| CD 3.1 | The South East Plan (2009) |
| CD 3.2 | The Milton Keynes and South Midlands Sub-Regional Study (2005) |

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| 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 | Affordable Housing Supplementary Planning Document (November 2007) |
| CD 3.6 | Supplementary Planning Guidance on Sport and Leisure Facilities (August 2004) |
| CD 3.7 | Sport and Leisure Facilities SPG Companion Document (August 2005) |
| CD 3.8 | A Strategy for MDA related Greenspaces (March 2001) |
| CD 3.9 | Buckinghamshire County Council Children and Young People's Service, Guidance on Planning Obligations for Education Provision (June 2010) |
| CD 3.10 | AVDC Affordable Housing Policy Interim Position Statement (June 2014) |
| CD 3.11 | The Vale of Aylesbury Plan Strategy & Policies Map 2011 – 2031 |
| CD 3.12 | Inspector's Letter to John Byrne 7 January 2014 |
| CD 3.13 | Report to Council on VAP, 5 February 2014 |
| CD 3.14 | Minutes to Council 5 February 2014 |
| CD 3.15 | VAP Withdrawal Statement |
| CD 3.16 | Local Development Scheme (May 2014) |
| CD 3.17 | Updated Demographic Projections Report - Aylesbury Vale District Council (GL Hearn, April 2013) |
| CD 3.18 | Strategic Housing Market Assessment: Validation Study – Aylesbury Vale District Council (GL Hearn, February 2013) |
| CD 3.19 | Aylesbury Vale Housing and Economic Growth Assessment (September 2011) |
| CD 3.20 | Vale of Aylesbury Plan Strategy – Affordable Housing Topic Paper April 2013 edition |
| CD 3.21 | Vale of Aylesbury Plan Strategy – Transport Topic Paper (April 2013) |
| CD 3.22 | Vale of Aylesbury Plan – Housing Topic Paper |
| CD 3.23 | Vale of Aylesbury Plan – Employment Topic Paper April 2013 Edition |
| CD 3.24 | Vale of Aylesbury Plan Strategy – Duty to Co-operate Topic Paper April 2013 |
| CD 3.25 | Representations by Hallam Land Management on the Vale of Aylesbury Plan Strategy (submission) (June 2013) |

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| CD 3.26 | VAP Examination Statement Matter 1 (dlp Planning for Hallam Land) |
| CD 3.27 | VAP Examination Statement Matter 2 (dlp Planning for Hallam Land) |
| CD 3.28 | Aylesbury Vale Employment Land Review Update (GL Hearn, September 2012) |
| CD 3.29 | Aylesbury Vale Economic Development Strategy 2011-2014 |
| CD 3.30 | Buckinghamshire County Council Local Transport Plan 3 |
| CD 3.31 | Buckinghamshire Local Transport Plan 3 – Local Area Strategies |
| CD 3.32 | Buckinghamshire County Council – Aylesbury Urban Transport Strategy Leaflet |
| CD 3.32b | Buckinghamshire County Council – Towards 2026 – A Transport Strategy for Aylesbury Final Draft (March 2009) |
| CD 3.33 | Aylesbury Vale District Council – Five year housing land supply position statement June 2014 and incorporating housing land supply calculation March 2014. |
| CD 3.34 | Housing Land Supply Position and Trajectory at end Sept 2008, prepared November 2008 |
| CD 3.35 | Housing Land Supply Position and Trajectory at end March 2009, prepared May 2009 |
| CD 3.36 | Housing Land Supply Position and Trajectory at end Sept 2009, prepared November 2009 |
| CD 3.37 | Housing Land Supply Position and Trajectory as at end March 2010, prepared August 2010 |
| CD 3.38 | Housing Land Supply Position and Trajectory at end Sept 2010, prepared December 2010 |
| CD 3.39 | Housing Land Supply Position and Trajectory at end March 2011, prepared May 2011 |
| CD 3.40 | Housing Land Supply Position and Trajectory as at end September 2011, prepared November 2011 |
| CD 3.41 | Housing Land Supply Position and Trajectory at end March 2012, prepared July 2012 |
| CD 3.42 | Housing Land Supply Position at end March 2012, updated September 2012 |
| CD 3.43 | Housing Land Supply Position and Trajectory at end March 2013 |
| CD 3.44 | AVDC Landscape Character Assessment (May 2008) |
| CD 3.45 | AVDC Areas of Sensitive Landscape (October 2008) |

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| CD 3.46 | Jacobs Potential Development Areas around Aylesbury – Landscape Impact Assessment (October 2008) |
| CD 3.47 | Jacobs Potential Development Areas around Aylesbury – Visual Impact Assessment (October 2008) |
| CD 3.48 | Buckinghamshire Green Infrastructure Strategy (Buckinghamshire Green Infrastructure Consortium, April 2009) |
| CD 3.49 | Buckinghamshire Green Infrastructure Delivery Plan (August 2013) |
| CD 3.50 | Aylesbury Vale Green Infrastructure Strategy 2011-2026 |
| CD 3.51 | AVDC Green Infrastructure Strategy & Flagship Projects Companion Document (October 2011) |
| CD 3.52 | Aylesbury Vale Level 1 Strategic Flood Risk Assessment (August 2012) |
| CD 3.53 | Buckinghamshire Local Investment Plan (2010) |
| CD 3.54 | Buckinghamshire Thames Valley LEP Plan for Sustainable Economic growth in the Entrepreneurial Heart of Britain (November 2012) |
| CD 3.55 | Invest Aylesbury |
| CD 3.56 | Aylesbury Vale Submission Core Strategy (2009) |
| CD 3.57 | Examination in Public (EIP) Interim Inspector's Report (11 June 2010) |
| CD 3.58 | AVDC response to Core Strategy Inspector's Report 23 July 2013 |
| CD 3.59 | Core Strategy Inspector's letter 10 August 2010 |
| CD 3.60 | AVDC letter Notifying of Core Strategy withdrawal October 2010 |
| CD 3.61 | Letter from SoS 5 October 2010 – Direct withdrawal of Core Strategy |
| CD 3.62 | Milton Keynes Core Strategy Inspector's Report |
| CD 3.63a | Aylesbury East Planning Permission and Committee Reports (March 2012 and September 2012) (Application Reference: 10/02649/AOP) |
| CD 3.63b | BCC report to Cabinet on Decision of Cabinet Member on Improvement Line Review (February 2007) |
| CD 3.64 | Aylesbury Transport Model – Local Model Validation Report (TfB, June 2011) |
| CD 3.65 | Aylesbury Transport Model – Traffic Forecasting and Assumptions (TfB, May 2012) |
| CD 3.66 | Aylesbury Transport Model – Illustrative Scenarios – Local Model Tests – Technical Note 1 (May 2006) |

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| CD 3.67 | Aylesbury LDF – Revised 2026 Scenarios – Technical Note 2 (November 2006) |
| CD 3.68 | Aylesbury Vale LDF – Aylesbury Land Use & Transport Strategy Model: Statement of Findings – Technical Note 3 (April 2007) |
| CD 3.69 | Aylesbury Vale LDF – Scenario Tests – Technical Note 4 (August 2008) |
| CD 3.70 | Aylesbury Vale LDF – Update of Assumptions as per Core Strategy – Technical Note 5 (December 2009) |
| CD 3.71 | Aylesbury Vale LDF – Eastern Arc School Test – Technical Note 6 (January 2010) |
| CD 3.72 | Aylesbury Vale LDF – Phasing Tests – Technical Note 7 (January 2010) |
| CD 3.73 | Aylesbury Transport Model – Impact of the Aylesbury LDF on HA Network (Halcrow, August 2007) |
| CD 3.74 | Aylesbury Transport Model – Impact of the Aylesbury LDF on HA Network (Halcrow, September 2009) |
| CD 3.75 | Aylesbury Transport Strategy 2008 – 2026 Evidence Base (October 2008) |
| CD 3.76 | AVDC Direction of Housing Growth at Aylesbury – Supporting Document: Transport Modelling Note (October 2008) |
| CD 3.77 | ALUTS – Regional Model (Halcrow, September 2009) |
| CD 3.78 | Aylesbury Vale Environmental Character Assessment: Historic Environment Assessment (April 2006) |
| CD 3.79 | Vale of Aylesbury Plan Aylesbury Land Use & Traffic Assessment (Jacobs, June 2012) |
| CD 3.80 | Aylesbury Vale Local Plan (VALP) Scoping Consultation Document and Call for Sites, AVDC (April 2014) |
| CD 3.81 | Strategic Economic Plan, SEMLEP (March 2014) |
| CD 3.82 | Strategic Economic Plan, BTVLEP (March 2014) |
| CD 3.83 | Employment Monitoring Factsheet, AVDC (December 2013) |
| CD 3.84 | Jacobs Potential Development Areas around Aylesbury: Comparative Assessment of Landscape and Visual Impact (October 2008) |
| CD 3.85 | Aylesbury Environs Study: Natural and Historic Environmental Assessment, Buckingham County Council (April 2005) |
| CD 3.86 | Aylesbury Town Level 2, Strategic Flood Risk Assessment, Final Report (April 2009) |

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| CD 3.87 | Statement of Community Involvement, AVDC (Nov 2013) |
| CD 3.88 | Report of a Public Inquiry Into Objections to the deposit draft of the Aylesbury Vale District Local Plan Inspector's Report Parts I and II (extracts for sites CP018 and CP041) |
| CD 3.89 | Updated Demographic Projections Report - Aylesbury Vale District Council (GL Hearn, May 2013) |
| CD 3.90 | Direction of Growth for housing at Aylesbury: review and update of site options sustainability appraisals (CAG Consultants, January 2010) |
| CD 3.91 | Aylesbury Growth Arc Masterplan and Delivery SPD (January 2010) |
| CD 3.92 | Aylesbury Vale Playing Pitch Strategy 2010 |
| CD 3.93 | Aylesbury Vale PPG17 (update) Study 2010 |
| CD 3.94 | Assessment of Leisure and Cultural Facilities for Aylesbury Vale 2012 |
| CD 3.95 | Buckinghamshire and Milton Keynes Historic Landscape Characterisation 2006 |
| CD 3.96 | Vale of Aylesbury Plan Annual Monitoring Report (December 2012) |
| CD 3.97 | Aylesbury Vale DC Affordable Housing and Section 106 Viability Testing Study (June 2007) |
| CD 3.98 | Buckinghamshire Strategic Housing Market Assessment (July 2008) |
| CD 3.99 | Sustainable Community Strategy for Aylesbury Vale 2009-2026 |
| CD 3.100 | Aylesbury Vale District Council Our Plan 2011-2015 |
| CD 3.101 | Housing and Homelessness Strategy 2014-2017 |
| CD 3.102 | Aylesbury Vale District Council, Housing Needs Study Update, Final Report (2007) |
| CD 3.103 | BCC Aylesbury Link Roads Information and Road Improvement Line |
| CD 3.104 | Vale of Aylesbury Plan and Stage 1 Community Infrastructure Levy Viability Study (September 2012) |
| CD 3.105 | Key Employment Sites Assessment (GL Hearn, September 2013) |
| CD 3.106 | AVDC Public Art Strategy 2009 - 2014 Research and Recommendation (2008) |
| CD 3.107 | Decision Notice and Committee Report for land east of A413 Buckingham Road and Watermead Aylesbury (13/00391/AOP) |
| CD 3.108 | AVDC Closing Submission, land to the east of Little Horwood Road, Winslow (APP/J0405/A/13/2205858) |

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| CD 3.109 | Extract from; www.aston41.co.uk |
| CD 3.110 | Vale of Aylesbury Local Plan (VALP), Stakeholder Forum (October 2014) |
| CD 3.111 | Five year housing land supply position statement (October 2014) |
| CD 3.112 | Aylesbury Vale Housing & Development Needs Assessment (HEDNA), Initial Assessment of Housing Need in Aylesbury Vale (GL Hearn, October 2014) |
| CD 3.113 | Report to Cabinet, Progress Report on Vale of Aylesbury Local Plan (11/11/14) |
| CD 3.114 | Winslow Neighbourhood Plan, June 2014 |
| CD 3.115 | Winslow Neighbourhood Plan Site Assessment Report, December 2013 |
| CD 3.116 | Winslow Neighbourhood Plan Consultation Statement |
| CD 3.117 | Transport for Buckinghamshire - Aylesbury Major Development Sites (Public Inquiry) - Assessing the Transport Impacts |
| CD 3.118 | Aylesbury Vale District Council – Five year housing land supply position statement, May 2015 |

National Planning Documents

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|----------------|--|
| CD 4.1 | The National Planning Policy Framework (2012) |
| CD 4.2 | Ministerial Statement – Planning for Growth – March 2011 |
| CD 4.3 | National Planning Practice Guidance (DCLG) |
| CD 4.4 | Technical Guidance to the National Planning Policy Framework (DCLG, 2012) |
| CD 4.5 | 'Housing and Growth' Ministerial Statement – 6 September 2012 |
| CD 4.6 | 'Housing the Next Generation', Keynote Speech, Nick Boles MP, 10 January 2013 |
| CD 4.7 | Laying the Foundations: Housing Strategy for England, 21 November 2011 |
| CD 4.8 | Queens Speech 4 June 2014 |
| CD 4.9 | Chancellor of Exchequer Mansion House Speech 12 June 2014 |
| CD 4.10 | Living Working Countryside – The Taylor Review of Rural Economy and Affordable Housing (July 2008) |
| CD 4.11 | Plan for Growth, HM Treasury (March 2011) |
| CD 4.12 | National Infrastructure Delivery Plan, HM Treasury (December 2013) |

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| CD 4.13 | Chancellor of the Exchequer's Budget Statement, HM Treasury (March 2014) |
| CD 4.14 | Urban Design Compendium Parts 1 and 2, HCA (2013) |
| CD 4.15 | Creating Successful Masterplans: A Guide for Clients, CABE (2011) |
| CD 4.16 | Towards an Urban Renaissance, Urban Task Force (2000) |
| CD 4.17 | Best Practice in Urban Extensions and New Settlements, TCPA (2007) |
| CD 4.18 | Uxcester Garden City, Urbed, Submission for the 2014 Wolfson Economics Prize |
| CD 4.19 | The Recent Storms and Floods in the UK, Met Office and Centre for Ecology & Hydrology (February 2014) |

Relevant Appeal Decisions & Judgments

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|----------------|---|
| CD 5.1 | COURT OF APPEAL Decision (CO 4686 2013) on City and District Council of St Albans v The Queen (on the application of), Hunston Properties Limited Secretary of State for Communities and Local Government |
| CD 5.2 | Hunston Properties v St Albans DC and SoS [2013] EWHC 2678 (Admin) |
| CD 5.3 | Gallagher Homes Limited and Lioncourt Homes Limited v Solihull Metropolitan Borough Council ([2014], EWHC 1283 (Admin)) |
| CD 5.4 | Secretary of State Appeal Decision and Report Ref APP/J0405/A/11/2155042 and Ref APP/J0405/A/11/2155043 – Land at Quarrendon Fields, Aylesbury |
| CD 5.5 | Inspector's decision ref: APP/H1840/A/13/2203924 (dated 7 February 2014). Land between Leasowes Road and Laurels Road, Offenham, Worcestershire |
| CD 5.6 | Secretary Of State Decision and Inspector's Report Land to the South of Berrells Road and the West of Bath Road, Tetbury, Gloucestershire Appeal Ref: APP/F1610/A/12/2173305 |
| CD 5.7 | Proof of Evidence of Stephen Nichol in respect of appeal By Gladman Developments (APP/J0405/A/14/2213924) August 2014 |
| CD 5.8 | Land adj Gretton Road, Winchcombe, Glos -APP/G1630/A/12/2183317 |
| CD 5.9 | Secretary of State Appeal Decision Report Land at Manchester Road/Crossings Road, Chapel-en-le-Frith, High Peak, Derbyshire Reference APP/H1033/A/11/2159038 |
| CD 5.10 | Secretary of State Appeal Decision Report: Land Between Station Road and Dudley Road, Honeybourne, Worcestershire Ref APP/H1840/A/12/2171339 |
| CD 5.11 | Secretary of State Appeal Decision Report Land West of Shottery, South of Alcester Road and North of Evesham Road, Stratford-Upon-Avon Reference APP/J3720/A/11/2163206 |

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| CD 5.12 | Secretary Of State Decision and Inspector's Report Homelands Farm, Bishops Cleeve, Gloucestershire – Appeal Reference: APP/G1630/A/11/2146206; |
| CD 5.13 | Secretary Of State Decision and Inspector's Report concerning Land at Worsley, Manchester (July 2012) APP/U4230/A/11/2157433 |
| CD 5.14 | Appeal Ref: APP/U/1105/A/12/2180060. Land east of Butts Road, Higher Ridgway, Ottery St Mary, Devon |
| CD 5.15 | Appeal Decision Reference APP/J0405/A/12/2188868 Land Off Stablebridge Road, Aston Clinton, Bucks |
| CD 5.16 | South Worcestershire Development Plan Inspector's Interim Conclusions (28 October 2013) |
| CD 5.17 | South Worcestershire Development Plan Inspector's Further Interim Conclusions (31 March 2014) |
| CD 5.18 | Appeal Decision and report. Land off Bath Road, Leonard Stanley (Ref APP/C1625/A/13/2207324 |
| CD 5.19 | Secretary of State Appeal Decision Report Reference APP/J0405/A/10/2143343, Land at Valley Farm, Soulbury |
| CD 5.20 | Appeal Decision – Land to the rear of Brook Farm, Leighton Road, Stoke Hammond (June 2014) (APP/J0405/A/13/2198840) |
| CD 5.21 | High Court Judgement – Zurich Assurance Limited v Winchester City Council and South Downs NPA (March 2014) [2014] EWHC 758 (Admin) |
| CD 5.22 | High Court Judgement – Cotswold DC and Secretary of State for Communities and Local Government (November 2013) [2013] EWHC 3719 (Admin) |
| CD 5.23 | Appeal Decision – Land East of Springwell Lane, Whetstone, Leicestershire (APP/T2405/A/13/2193758) and Land off Countesthorpe Road and Springwell Lane, Whetstone, Leicestershire (APP/T2405/A/13/2193761) |
| CD 5.24 | South Northamptonshire Council v SoS and Barwood Land and Estates Limited [2014] EWHC 573 (Admin) |
| CD 5.25 | Appeal Decision Reference APP/J0405/A/10/2115860, Land east of Winslow, Winslow, Buckinghamshire. |
| CD 5.26 | Appeal Decision Reference APP/J0405/A/10/2135746, Land east of Winslow, Winslow, Buckinghamshire. |
| CD 5.27 | COURT OF APPEAL DECISION (2002) EWCA CIV 1762 – Harry Rowlinson and Lynda Rowlinson as Trustees of the Linson Construction Pension Fund v Warrington Borough Council and the Secretary of State |
| CD 5.28 | Secretary of State Appeal Decision and Inspector's Report APP/H1840/A/13/2202364, Long Marston, Penworth |
| CD 5.29 | Secretary of State Decision, APP/H2265/A/02/1094855, APP/H2265/A/02/1105982, APP/H2265/A/02/1095664, APP/H2265/A/02/1095665 and APP/H2265/A/02/1095666, Tonbridge and Malling. |

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| CD 5.30 | Secretary of State Decision and Inspector's Report, APP/P3040/A/07/2050213, Land at Gotham Road, East Leake. |
| CD 5.31 | Secretary of State Decision and Inspector's Report, APP/M96565/A/09/2114804/NWF, Land at Bata Field, off Princess Margaret Road, East Tilbury. |
| CD 5.32 | Secretary of State Decision and Inspector's Report, APP/H0738/A/13/219538, Land north of Low Lane. High Leven, Ingleby Barwick. |
| CD 5.33 | Appeal Decision, APP/P0119/A/12/2186549, Land between Iron Acton Way and North Road, Engine Common, Yate. |
| CD 5.34 | Appeal Decision, APP/J0405/A/13/2210864, Land off Chapel Drive, Aston Clinton, Buckinghamshire. |
| CD 5.35 | Appeal Decision APP/J0405/A/13/2205858, Land At Glebe Farm, Verney Road, Winslow Buckinghamshire. |
| CD 5.36 | Secretary of State Decision and Inspector's Report APP/J0405/A/12/2213924, Land East of Little Horwood Road, Winslow, Buckinghamshire. |
| CD 5.37 | Appeal Decision, APP/X03060/A/13/2209286, Land west of Beech Hill Road, Spencers Wood, Berkshire, RG7 1FQ |

Other National Guidance

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|----------------|---|
| CD 6.1 | By Design – Urban Design in the Planning System: towards better practice (DETR / CABI, 2000) |
| CD 6.2 | Green Infrastructure Guidance (Natural England, 2009) |
| CD 6.3 | 'Nature Nearby' Accessible Natural Greenspace Guidance (Natural England, 2010) |
| CD 6.4 | Guidelines for Ecological Impact Assessment in the United Kingdom (The Institute of Ecology and Environmental Management, 2006) |
| CD 6.5 | Wildlife and Countryside Act 1981 (as amended) |
| CD 6.6 | Conservation of Habitats and Species Regulations 2010 (as amended) |
| CD 6.7 | The Natural Environment and Rural Communities Act 2006 |
| CD 6.8 | The Countryside and Rights of Way Act 2000 |
| CD 6.9 | The Protection of Badgers Act 1992 |
| CD 6.10 | Guidelines for Landscape and Visual Impact Assessment: Third Edition (The Landscape Institute and the Institute of Environmental Management and Assessment, 2013) |
| CD 6.11 | Guidance on Transport Assessments (Department for Transport, 2007) |

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| CD 6.12 | Design Manual for Roads and Bridges (DMRB) TA79/99 Traffic Capacity of Urban Roads |
| CD 6.13 | Manual for Streets (Department for Transport, 2007) |
| CD 6.14 | Manual for Streets 2 (The Chartered Institute for Highways and Transportation, 2010) |
| CD 6.15 | Objectively Assessed Need and Housing Targets (PAS) (June 2014) |
| CD 6.16 | Town and Country Planning Tomorrow Series Paper 16: New Estimates of Housing Demand and Need in England 2011 to 2031; by Alan Holmans published by Town and Country Planning Association, September 2013 |
| CD 6.17 | Planning for Households in England: Understanding Recent Changes in Household Formation Rates and their Implications for Housing in England, University of Cambridge, RTPI Research Report No.1 January 2014 |
| CD 6.18 | Landscape Character Assessment Guidance for England and Scotland (LCA) Natural England and Scottish National Heritage, 2002 |
| CD 6.19 | Natural England, National Character Areas – Upper Thames Clay Vale 2014 (NCA) |
| CD 6.20 | Landscape Character Assessment – Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity (2004) |
| CD 6.21 | Building the Homes we Need: A Programme for the 2015 Government (2014) |
| CD 6.22 | House of Commons Debate 24 th October 2013 |
| CD 6.23 | CBRE Regional Development Land: A Market in Recovery |
| CD 6.24 | National Housing Federation Home Truths South East 2013/14 |
| CD 6.25 | 'Housing Crisis' suite of documents |
| CD 6.26 | The Community Infrastructure Levy (CIL) Regulations (2010) |
| CD 6.27 | Natural Environment White Paper, The Natural Choice: Securing the Value of Nature (June, 2011). |
| CD 6.28 | Article 16, Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 |

Material relating to the Conjoined Inquiries

| | |
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| CD 7.1 | Transport Assessment submitted in support of 12/00739/AOP, SKM, May 2012 |
| CD 7.2 | Transport Assessment submitted in support of 12/02850/AOP, SKM (November 2012) |
| CD 7.3 | Transport Assessment submitted in support of 13/00391/AOP, SKM (January 2013) |

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| CD 7.4 | BLANK |
| CD 7.5 | The Expansion of Aylesbury – Landscape Overview, prepared by Mr Duncan Thomas (July 2009) |
| CD 7.6 | Statement of Community Involvement for Hampden Fields (March 2012) |
| CD 7.7 | Statement of Community Involvement for Fleet Marston |
| CD 7.8 | Planning Statement for Land North of Weedon Hill (12/00739/AOP) 30/3/2012 |
| CD 7.9 | Proof of Evidence of Dr Chris Miele, Fleet Marston conjoined Inquiries (APP/J0405/A/12/2181033) (May 2013) |
| CD 7.10 | Proof of Evidence of Dr Chris Miele, Land at Quarrendon Fields, Aylesbury (APP/J0405/A/11/2155042 and APP/J0405/A/11/2155043) (September 2011) |
| CD 7.11 | Transport Assessment - 10/02649/AOP, Land East of Aylesbury |
| CD 7.12 | Addendum Transport Assessment for Fleet Marston (January 2012) |
| CD 7.13 | Proof of evidence of Philippa Jarvis for the conjoined Inquiries 28 May 2013 (AV/PJ/5.1) |
| CD 7.14 | Secretary of State Decision and Inspector's Report APP/J0405/A/12/2181033, APP/J0405/A/12/21819277, APP/J0405/A/12/2189387, APP/J0405/A/12/2197073, Aylesbury |

AVDC additional documents

| | |
|----------------|--|
| AV/5/1 | 29.10.14 letter to PINS |
| AV/5/2 | Opening statement |
| AV/5/3 | Map showing Aylesbury East + appeal 10/026491/AOP |
| AV/5/4 | Updated draft S106s |
| AV/5/5 | Clarification of error in tasks 2 of Oct statement |
| AV/5/6 | Round Aylesbury walk |
| AV/5/7 | Permission for Land East of Aylesbury 10/22649/OP + conditions relating to landscaping |
| AV/5/8 | CS EIP site clarification |
| AV/5/9 | Letter to PINS 19.12.14 |
| AV/5/10 | Letter to PINS 02.07.15 |
| AV/5/11 | AVDC's Closing Submissions |

Barwood Land & Estates Ltd additional documents

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| BL/6.1 | Barwood Land & Estates Ltd opening statement |
| BL/6/2 | 10/02649/AOP Extract from DAS |
| BL/6.3 | Barwood Land and Estates Aylesbury Vale District Core Strategy Responses |
| BL/6.4 | Barwood's Closing Submissions |
| BL/COSTS | Application for a partial award of costs and Appendix with supporting documents |

Hallam additional documents

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| HL/1.1 | Hallam's opening statement |
| HL/1.2 | BLANK |
| HL/1.3 | BLANK |
| HL/1/4 | Annotation of Coles' Figure EM3 |
| HL/1/5 | Annotation of Mr Bellars' Appendix AV/1/2/4 |
| HL/1/6 | Annotation of Mrs Brockhurst's Photo Viewpoints 1 of 2 |
| HL/1/7 | Aylesbury East Illustrative Masterplan Drawing SBA456-A054 |
| HL/1/7a | Aylesbury East Framework Plan |
| HL/1/8 | Indicative Layout Building Heights |
| HL/1/9 | Viewpoint V Wire Frame Montage |
| HL/1/10 | Agreed position statement with regard to viewpoints AV/1/2/4 & V |
| HL/1/11 | Agreed note between Mr Coles & Mrs Brockhurst – note for the Inspector |
| HL/1/12 | Guidelines for the Environmental Assessment of Road Traffic 1993 |
| HL/1/13 | Hallam's Closing Submissions |
| HL/COSTS | Response to application for partial award of costs; and supporting documents |

Other documents

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| HF/1 | Written Representation on Highway, Transport and Flooding Issues – Hampden Fields Consortium (October 2014) |
| HF/2 | Written Representation on Highway, Transport and Flooding Issues – Hampden Fields Consortium (December 2014) |

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| BBPC/1 | Statement (Brian Robson - Bierton with Broughton Parish Council - 6/11/14) |
| BBPC/2 | Statement (Brian Robson - Bierton with Broughton Parish Council – 13/01/15) |
| WPC/1 | Statement (Sue Severn) on behalf of Watermead Parish Council (13/11/14) |
| WPC/2 | Statement (Roger Cooling) on behalf of Watermead Parish Council (6/7/14) |
| WPC/3 | Statement (Roger Cooling) on behalf of Watermead Parish Council (13/01/15) |
| RC/1 | Statements by Roger Cooling (Resident of Watermead) |
| CM/1 | Statement by Christopher Money (Resident of Bierton) |

Proofs of evidence

| | |
|----------------------------|--|
| AV/1/1 | Proof of Evidence: Jonathan Bellars |
| AV/1/2/1 – AV/1/2/6 | Appendices: Jonathan Bellars |
| AV/2/1 | Proof of Evidence: Charlotte Stevens |
| AV/2/2 | Proof of Evidence: Nick Ireland |
| AV/2/3 | Revised Proof of Evidence: Charlotte Stevens |
| AV/2/4 | Implications of HEDNA Initial Assessment of Housing Need Report |
| AV/3/1a | Original Proof of Evidence: Del Tester |
| AV/3/1b | Proof of Evidence (Updated January 2015): Del Tester |
| AV/3/2 | BLANK |
| AV/3/3 | Summary Proof of Evidence: Del Tester |
| AV/3/4a | Rebuttal Proof of Evidence: Del Tester |
| AV/3/4b | Rebuttal Proof of Evidence (Updated January 2015): Del Tester |
| AV/3/5 | Proof of Evidence (June 2015): Del Tester |
| AV/3/6 | Appendices: Del Tester |
| AV/4/1 | Proof of Evidence: Claire Harrison |
| AV/4/2 –17 | Appendices: Claire Harrison |
| AV/4/18 | Supplementary Proof of Evidence (December 2014): Claire Harrison |

| | |
|-----------------|---|
| AV/4/19a | Supplementary Proof of Evidence (June 2015): Claire Harrison |
| AV/4/19b | Covering letter from AVDC dated 16 June 2015 |
| AV/4/19c | HEDNA Executive Summary (June 2015) |
| HL/1/1 | Proof of Evidence: Brett Coles |
| HL/1/2 | Appendix A: Brett Coles |
| HL/1/3 | Summary Proof of Evidence: Brett Coles |
| HL/2/1 | Proof of Evidence: Paul Boileau |
| HL/2/2 | BLANK |
| HL/2/3 | Supplementary Proof of Evidence: Paul Boileau |
| HL/2/4 | Rebuttal Proof of Evidence: Paul Boileau |
| HL/3/1 | Proof of Evidence: Nicholas Freer |
| HL/3/2 | Appendices: Nicholas Freer |
| HL/3/3 | Summary Proof of Evidence: Nicholas Freer |
| HL/3/4 | Rebuttal Proof of Evidence: Nicholas Freer |
| HL/3/5 | Supplementary Proof of Evidence (November 2014): Nicholas Freer |
| HL/3/6 | Supplementary Proof of Evidence (December 2014): Nicholas Freer |
| HL/3/7 | Supplementary Proof of Evidence (June 2015): Nicholas Freer |
| HL/3/8 | Summary Proof of Evidence (Update June 2015): Nicholas Freer |
| HL/3/9 | Rebuttal Proof of Evidence: Nicholas Freer |
| HL/4/1 | Proof of Evidence: Jennifer Baker (superseded) |
| HL/4/2 | Superseded Appendices: Jennifer Baker |
| HL/4/3 | Summary Proof of Evidence: Jennifer Baker (superseded) |
| HL/4/4 | Rebuttal Proof of Evidence: Jennifer Baker (superseded) |
| HL/4/5 | Proof of Evidence: Jennifer Baker |
| HL/4/6 | Appendices: Jennifer Baker |
| HL/4/7 | Summary Proof of Evidence: Jennifer Baker |

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| HL/4/8 | Proof of Evidence: Jennifer Baker |
| BL/CB/1.1 | Proof of Evidence: Clare Brockhurst |
| BL/CB/1.2 | Plans, Appendix and Photosheets: Clare Brockhurst |
| BL/CB/1.3 | Summary Proof of Evidence: Clare Brockhurst |
| BL/ML/2.1 | Summary Proof of Evidence: Michael Lowndes |
| BL/ML/2.2 | Proof of Evidence: Michael Lowndes |
| BL/ML/2.3 | Appendices: Michael Lowndes |
| BL/ML/2.4 | Assessment – site off Chapel Drive, Aston Clinton: Michael Lowndes |
| BL/CM/3.1 | Statement: Chris Miele (Appendix 1 to BL/CB/1,2) |
| BL/CM/3.2 | Appendix: Chris Miele (Appendix 1 to BL/CB/1,2) |
| BL/CR/4.1 | Proof of Evidence & Appendices (Version 2): Cullan Riley |
| BL/CR/4.2 | Appendices: Cullan Riley |
| BL/CR/4.3 | Summary Proof of Evidence: Cullan Riley |
| BL/CR/4.4 | Rebuttal Proof of Evidence: Cullan Riley |
| BL/CR/CDs | Barwood's Core Documents (CD1.33 & CD7.12) |
| BL/MT/5.1 | Proof of Evidence: Michael Taylor |
| BL/MT/5.2 | Summary Proof of Evidence: Michael Taylor |
| BL/MT/5.3 | Supplementary Proof of Evidence: Michael Taylor |

Inspector's Procedural Documents

| | |
|-----------|---|
| X1 | Pre-Inquiry Meeting Notes – 3 September 2014 |
| X2 | Inspector's Pre-Inquiry Procedural Note – Procedural and timetabling |
| X3 | Inspector's Pre-Inquiry Procedural Note – Housing land need and supply |
| X4 | Inspector's Pre-Inquiry Procedural Note – Paragraph 47 NPPF (approach) |
| X5 | Inspector's Pre-Inquiry Procedural Note – Preliminary main considerations |
| X6 | Inspector's Guidance on Highways Evidence |
| X7 | Inspector's Procedural Note – Applications to adjourn the Inquiry |

ANNEX C: Schedule of recommended planning conditions

Relevant Plans

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and subject to the qualifications provided in the conditions below: -
 - (a) Parameters Plan 4962-L-108 Revision A
 - (b) Location Plan 4962-L-102
 - (c) Proposed A418 Aylesbury Road/Link Road Junction [VN112801-ECC-DG-0013 Revision E]
 - (d) Western Link Road Roundabout [VN112801-ECC-DG-0014]
- 2 No more than 1,560 dwellings shall be constructed on the site pursuant to this planning permission.
- 3 Notwithstanding the contents of the planning application and supporting documents, no built development, other than site access and services and other related infrastructure, shall take place on parcel A shown on Plan of Development Parcels (Drawing Number 4962-L-121 Rev B dated 16 June 2015) and the reserved matters submitted in accordance with condition 8 shall include details of the landscape treatment of this parcel. The approved landscaping scheme shall be implemented simultaneously with the landscape scheme approved on the adjacent parcel.
- 4 Notwithstanding the contents of the planning application, including the parameters plan, the details to be submitted in the reserved matters applications for each phase or sub-phase of the development for approval by the Local Planning Authority shall be consistent with the design principles for scale set out on page 91 of the Design and Access Statement, and shall not exceed a building height of 10.5 metres from ground level other than in respect of the areas designated for the Primary School and Mixed Use Local Centre where no building shall exceed 12.0 metres above ground level.
- 5 Notwithstanding the Neighbourhood Equipped Areas for Play (NEAPs) and Local Equipped Areas for Play (LEAPs) described on Parameters Plan 4962-L-108 Revision A, no development shall take place until a scheme for the provision of equipped play space and the provision of allotments (including community orchard) has been submitted to the Local Planning Authority and approved in writing. The scheme shall make provision within the site for 2 NEAPs and 5 LEAPs. The scheme shall include details of the location of the NEAPs, LEAPs and allotments, the timing of their provision, and the arrangements for their long-term management and maintenance. Thereafter, the NEAPs, LEAPs and allotments shall be provided and retained for that purpose, and shall be managed and maintained, in accordance with the approved details.
- 6 Any reserved matters application for residential development of a sub-phase of the development that includes or abuts the 'Area to include safeguarded corridor' shown on Plan 4962-L-120 rev C shall make provision within the layout of the reserved matters application for the continued safeguarding of such a corridor, unless an alternative corridor has been agreed in writing by the Local Planning Authority as superseding that safeguarded area or the Local Planning Authority has agreed in writing that there is no longer a need to safeguard a corridor.

In the event that an alternative 'Area to include safeguarded corridor' has been agreed in writing by the Local Planning Authority, any reserved matters application for residential development of a sub-phase of development that includes or abuts that area shall similarly make provision within the layout of the reserved matters application for the continued safeguarding of that corridor.

- 7 There shall be no occupation of buildings permitted in each phase of the development until the following services and infrastructure have been 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 by the Local Planning Authority in accordance with The Third Schedule of the deed of agreement (with Aylesbury Vale District Council) pursuant to section 106 of the Town and Country Planning Act 1990 (dated 7 August 2015) including: -
- (a) the vehicular, cycle and pedestrian access including internal roads and junctions;
 - (b) bus stops;
 - (c) foul water, sewerage and drainage infrastructure;
 - (d) flood risk mitigation;
 - (e) electricity, gas and telecommunication utility infrastructure; and
 - (f) household and commercial waste storage and recycling facilities.

Reserved Matters and Implementation

- 8 No development within any phase or sub-phase shall commence until approval has been obtained in writing from the Local Planning Authority of the details of the layout, scale, external appearance and landscaping of the development within that phase or sub-phase. The development shall be carried out in accordance with the approved details relating to that phase or sub-phase.
- 9 Application for approval of the reserved matters in respect of the first phase or sub-phase of the development shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.
- 10 Application for approval of the reserved matters in respect of all subsequent phases and sub-phases 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.
- 11 The first phase or sub-phase 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 that phase or sub-phase, whichever is the later.
- 12 Subsequent phases or sub-phases of the development hereby permitted shall be begun either before the expiration of 17 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 that phase or sub-phase, whichever is the later.

- 13 Plans and particulars submitted for each phase or sub-phase of the development pursuant to Condition 8 above shall include the following details and shall only be carried out in accordance with the approved details relating to that phase or sub-phase to which it relates unless otherwise agreed in writing by the Local Planning Authority: -
- (a) any proposed access road(s) including details of horizontal and vertical alignment;
 - (b) any existing access points within the application site that are not required for the development and which are proposed to be closed when new accesses forming part of the development are brought into use;
 - (c) the layout, specification and construction programme for: (i) any internal roads not covered by (a) above; (ii) footpaths; (iii) parking, garaging, turning and loading/unloading areas (including visibility splays); (iv) cycle parking areas; (v) cycle storage facilities; (vi) access facilities for people with disabilities; and (vii) individual accesses;
 - (d) the materials to be used on the external faces of all the buildings to which the details relate;
 - (e) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
 - (f) 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;
 - (g) a landscaping scheme to include contours for all landscaped areas, together with detailed planting plans and schedules of plants, noting species, sizes and numbers/densities (including semi-mature planting where appropriate), together with details of all trees, bushes and hedges which are to be retained and a written specification for the landscaping works (including a programme for implementation to include advance planting prior to other development in a parcel where appropriate, and cultivation and other operations associated with plant and grass establishment);
 - (h) a waste strategy including details of bin and recyclables storage; and
 - (i) details of any external lighting to any building(s), parking loading/unloading or manoeuvring areas, roads, footpaths, green ways and open space areas, including outdoor sport facilities.
- 14 The landscaping scheme approved under Condition 13 above relating to any phase or sub-phase of the development shall be implemented 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 or sub-phase to which it relates, whichever is the sooner.
- 15 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.

16 The particulars submitted pursuant to Condition 13(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 (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; the position of any proposed excavation within the crown spread of any retained tree; and 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.

The protection measures referred to above shall be maintained throughout the whole period of site clearance, excavation and construction in relation to each phase or sub-phase of the development to which it relates.

Design Code

17 A Design Code for the development shall be submitted to the Local Planning Authority for its approval in writing prior to or at the same time as the submission of the first Reserved Matters application for the development, excluding reserved matters for strategic infrastructure. The Design Code shall demonstrate how the objectives of the Design and Access Statement (Nov 2013) 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 and also including boundary treatments and refuse storage;
- (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 and NEAPs), the allotments and orchards;
- (f) principles for determining the design and layout of the sports provision;
- (g) principles for conservation of flora and fauna interests and encouragement of biodiversity;

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- (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; and
 - (l) integration of strategic utility requirements, landscaping and highway design.

The details to be submitted in the reserved matters applications for each phase of the development shall be in accordance with the principles established in the approved Design Code.

Construction management

- 18 Before each phase or sub-phase of the development hereby permitted is commenced a Construction Environmental Management Plan (CEMP) in respect of that phase or sub-phase shall have been submitted to and approved in writing by the Local Planning Authority. Construction of each phase or sub-phase of the development shall not be carried out otherwise than in accordance with each approved CEMP to which it relates. Each CEMP shall include: -
- (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) location and timing of sensitive works to avoid harm to biodiversity features which should be identified;
 - (i) responsible persons and lines of communication including roles and responsibilities of site of an ecological clerk of works (ECow) or similarly competent person;
 - (j) details of proposed means of dust suppression and noise mitigation;
 - (k) details of measures to prevent mud from vehicles leaving the site during construction;
 - (l) 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;
 - (m) address issues identified in the Environmental Statement Chapter 13, Sections 6 and 7 on construction noise and vibration (pages 226-227); and
 - (n) measures for the management of soils during the construction process.

Ecology

- 19 No works pursuant to the provision of either site access shall commence before a Landscape and Ecological Master Plan (LEMP), relating to their provision, has been submitted to and approved in writing by the Local Planning Authority. No other development shall take place until a LEMP, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, ponds and sustainable drainage systems (and excluding privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority.

The schemes shall be carried out as approved and shall be based on the mitigation and enhancement measures contained within the Environmental Statement (submitted in December 2013) and shall include a programme of implementation, management and maintenance and details of connectivity of wet features, treatments of site boundaries and buffers around water bodies and fencing along the road edge.

Drainage and flooding

- 20 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Environmental Statement Volume 2, prepared by Hallam Land Management and dated December 2013) and the mitigation measures detailed within it and, in particular, no building shall be constructed within the 1 in 1,000 year flood plain envelope, as shown on plan 1359-DR 10.
- 21 No development shall be served from the A413 point of access until such time as a scheme to provide flood compensatory storage for the road crossing, which shall include timing of the provision of the flood storage, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details
- 22 No development shall be served from the A413 point of access until details of the bridge proposed on site, including a timetable for its provision, have been submitted to and approved in writing by the Local Planning Authority. The bridge shall be constructed in accordance with the approved details.
- 23 Each reserved matters application for approval in writing by the Local Planning Authority, shall include a detailed drainage strategy, including a scheme to dispose of surface and foul water, for that phase or sub-phase of the development to which it relates, based on sustainable drainage principles. The scheme shall include: -
- (a) micro-drainage calculations to show that there will be no flooding in any built area and that any flooding on site can be appropriately managed;
 - (b) details of how the scheme shall be maintained and managed for the lifetime of the development including any arrangements for adoption by any public authority or statutory undertaker; and
 - (c) details outlining how any risks of contamination of surface water runoff will be mitigated particularly from roads and car parking areas.

The scheme shall subsequently be implemented in accordance with the approved details before that phase or sub-phase of development is completed and shall be maintained thereafter.

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- 24 No residential development shall take place in any phase or sub-phase until such time as details of the finished floor levels of the dwellings, which shall be at least 600mm above the 1 in 100 year flood level with an allowance for climate change, have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

Archaeology

- 25 (1) Prior to the submission of the reserved matters applications for each phase or sub-phase of the development, an archaeological evaluation of that phase or sub-phase shall be undertaken in accordance with a written scheme of investigation previously submitted to and approved in writing by the Local Planning Authority.
- (2) Following completion of the evaluation, if important archaeological remains are found, an archaeological mitigation strategy for that phase or sub-phase shall be submitted to the Local Planning Authority for its approval in writing and the details of the reserved matters applications for that phase or sub-phase shall take into account the findings and recommendations of the approved strategy such as to minimise damage to the remains.

No ground disturbance or other development works shall take place in each phase or sub-phase until a programme of archaeological work has been secured and implemented for that area in accordance with the approved mitigation strategy and/or written scheme of investigation.

Commercial uses

- 26 The 'A Class' uses (Classes A1, A2, A3, A4 and A5) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order, with or without modification, hereby permitted shall not exceed 1,500m² (gross floor space). The individual units shall not exceed a maximum of 1,000m² (gross floor space).

Slab Levels

- 27 Prior to the commencement of development in each phase or sub-phase of the development, details of the finished floor levels for that phase or sub-phase of the 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 level details.

Highways, Transport and parking

- 28 Other than enabling works (including site access, services, earthworks and flood alleviation) as may be agreed in writing by the Local Planning Authority, the development hereby permitted shall not be commenced until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Travel Plan.

- 29 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.
- 30 The details to be submitted to accord with conditions 8 and 13 shall provide full information on the means of dealing with the disposal of surface water from the roads and footways. The development shall be implemented in accordance with the approved details.
- 31 No development shall commence until the details of the offsite highway works, which include the construction of a new signal controlled junction on the A418 (based on drawings VN112801-ECC-DG-0013 Rev E, VN112801-ECC-DG-0014 and 14/042/120C Rev A) and the provision of a new arm to the Western Link Road roundabout junction on the A413 (based on drawings 14/042/107 and 14/042/108), all with associated footway, drainage, signing and road marking works, and new footway and cycle connections between the A413 and the existing cycle network at Watermead, have been submitted to and approved in writing by the Local Planning Authority. No dwelling in any phase of the development shall then be occupied until the access from the highway for that phase of the development has been constructed and completed in accordance with the approved details.

High Speed Broadband

- 32 Prior to the commencement of development in each phase or sub-phase of the development, details of measures to facilitate the availability of high speed broadband connection to the occupants of the development 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.

Contamination

- 33 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be implemented in accordance with the approved remediation strategy.

Sustainability

- 34 The non residential buildings hereby permitted shall achieve Level Very Good of BREEAM; and the buildings shall not be occupied until a final Code Certification has been issued to that effect.
- 35 Prior to the submission of, or concurrent with, the first reserved matters application for the development, an energy strategy for the development shall be submitted to the Local Planning Authority to demonstrate how the energy supply of the development achieves 10% reduction in total emissions (as committed to within the submitted Sustainability Report/Energy Statement

dated February 2013). The reserved matters application for each phase or sub-phase of the development submitted pursuant to 8 shall be in accordance with the approved energy strategy for that phase or sub-phase and shall include details of the related physical works and a timeframe for their provision. The development shall be carried out in accordance with the approved details and timeframe and subsequently retained in operation.

Noise mitigation

- 36 Details to be submitted in the reserved matters applications for each phase or sub-phase of the development for approval by the Local Planning Authority shall include a scheme showing details of noise mitigation measures to protect dwellings from road traffic noise from the proposed Main Link Road and the A413 and A418. The scheme, which shall include a programme of implementation, shall be carried out as approved and shall be based on the mitigation and enhancement measures contained within the Environmental Statement submitted in December 2013.

Richborough Estates



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 for permission 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

With the permission of the High Court 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. 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 for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: 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 Inspector's report of the inquiry or hearing within 6 weeks of the day after 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.