



Department for Levelling Up,  
Housing & Communities

Roger Welchman  
Armstrong Rigg Planning  
The Exchange  
Colworth Science Park  
Bedford  
MK44 1LZ

Our ref: APP/J0405/V/23/3322305  
Your ref: 20/00510/APP

1 March 2024

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
APPLICATION MADE BY BELLWAY HOMES LIMITED & AVENUE HOMES LIMITED  
LAND TO THE WEST OF MORETON ROAD AND CASTLEMILK, MORETON ROAD,  
BUCKINGHAM, BUCKINGHAMSHIRE  
PLANNING INSPECTORATE CASE REF: APP/J0405/V/23/3322305**

*This decision was made by Simon Hoare MP, Parliamentary Under Secretary of State for Local Government, on behalf of the Secretary of State*

1. I am directed by the Secretary of State to say that consideration has been given to the report of S R G Baird BA (Hons) MRTPI, who held a public local inquiry which sat for 4 days from 17 October 2023 into your client's application for planning permission for the erection of 130 dwellings, associated access and parking, landscaping and amenity space and the change of use of land from agriculture to use as sports pitches/ recreational open space and informal open space, in accordance with Local Planning Authority application Ref: 20/00510/APP, dated 10 February 2020.
2. On 17 May 2023, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act (TCPA) 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the application be approved.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to approve the application. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

**Procedural matters**

5. The Secretary of State notes that, as explained at IR1.5, at the inquiry, the applicants requested that the application be determined based on amended plans and the supporting documents, submitting that the amendments consisted of minor refinements.

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The Local Planning Authority confirmed that it had no objection to the application being determined based on the amended plans. As the inquiry proceeded on this basis, and therefore was included in the Inspector's considerations, the Secretary of State does not consider the amendment of the proposals raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this application, and he is satisfied that no interests have been prejudiced.

### **Matters arising since the close of the inquiry**

6. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023 and amended on 20 December 2023. The Secretary of State referred back to parties on 17 January 2024. Representations were received from Armstrong Rigg Planning and Buckinghamshire Council. Buckinghamshire Town Council confirmed a nil response, and these are listed in Annex A to this decision letter. The Secretary of State notes that the revised version of the Framework further emphasises the role of beauty in planning and makes amendments to the calculation of housing land supply. The Secretary of State deals with these issues in paragraph 25 and 34 below. The IR contains paragraph references to the previous version of the Framework; this decision letter refers to both the old and the new paragraph numbers, where these are different.
7. Provisions relating to mandatory Biodiversity Net Gain (BNG) have been commenced for planning permissions granted in respect to an application made on or after 12 February 2024. Permission granted for applications made before this date are not subject to mandatory BNG.

### **Policy and statutory considerations**

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of the Vale of Aylesbury Local Plan (LP) 2013 - 2033 adopted in September 2021 and the Buckingham Neighbourhood Development Plan made in October 2015 (NP). The Secretary of State considers that relevant development plan policies include those set out at IR4.4 to 4.19.
10. Other material considerations which the Secretary of State has taken into account include the Framework and associated planning guidance (the Guidance), as well as local guidance at IR4.20-4.26 and the National Design Guide January (NDG) 2021 and National Model Design Code (NMDC) 2021 at IR4.34.
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

### *Emerging plan*

12. The emerging plan comprises the Buckinghamshire Local Plan. The Secretary of State considers that as the local plan is at such an early stage in its production there are no emerging policies of relevance to this case.
13. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. However, as there are no emerging policies owing to the very early stages of plan production the Secretary of State agrees with the Inspector and parties that no weight should be attributed to the emerging plan.

### **Main issues**

#### *Consistency within National Policies and Guidance on Design and Layout*

14. For the reasons given at IR9.5-9.6, the Secretary of State agrees that the application responds well to LP Policy BUC043 parts (a), (b) and (m).
15. The Secretary of State has carefully considered the application against NDG paragraph 36 and the 10 characteristics of well-designed places.
16. With regard to context, he agrees at IR9.9-9.10 that landscape, movement, built form patterns, architecture, flood attenuation and visual matters have been assessed to create a neighbourhood which is well integrated into its surroundings and positively influenced by its context.
17. The Secretary of State disagrees that the application demonstrates that it has its own character and identity. He finds that the layout and built form appear standardised across the site with a focus on individual plots as opposed to creating a cohesive design. He further disagrees that the application is consistent with the NDG on built form. He finds that in parts of the site, the design does not make the most of opportunities for activating frontages and providing well-designed car parking.
18. For the reasons given at IR9.24-9.29 the Secretary of State agrees that the application is consistent with the movement objectives of the NDC.
19. For the reasons given at IR9.30-34 the Secretary of State agrees that the application would be consistent with the NDG objective relating to nature. He further agrees that the application would be consistent with Supplementary Planning Document (SPD) Design Principles DES9 Work with the Natural Features and Resources and DES11 Establish a Landscape and Green Infrastructure (IR9.31).
20. For the reasons given at IR9.35-40 the Secretary of State agrees that regarding matters of public space in design, the application would be consistent with the NDG. He further finds public open spaces would be overlooked by buildings providing active frontages and a sense of enclosure appropriate to the character and function of each space and that this would encourage social interaction and provide natural surveillance of spaces (IR9.38). He agrees at IR9.38 that the proposals would be consistent with SPD Design Principles DES39 and DES35.

21. For the reasons given at IR9.41-45 the Secretary of State agrees that the application would be consistent with the objectives of the NDG and NMDC relating to uses.
22. For the reasons given at IR9.46-52 the Secretary of State agrees that the application would be consistent with the objectives of the NDG and NMDC relating to homes and buildings. He notes at IR9.48 that the homes are designed to meet LP Policy H6c which requires all dwellings to meet Building Regs Part M4(2) and a minimum of 15% of the affordable units to be delivered to Part M4(3) wheelchair accessible standard. He agrees that the layout would not have an adverse impact on neighbouring residential amenity and would create a satisfactory standard of accommodation for future occupiers consistent with SPD Design Principle DES42 (IR9.49). He agrees for the reasons given at IR9.50 that the proposal is consistent with SPD Design Principle DES31.
23. For the reasons given at IR9.53-56 the Secretary of State agrees that the application would be consistent with the objectives of the NDG and NMDC relating to the use of resources. He further agrees for the reasons given at IR9.54 that the proposal is consistent with SPD Design Principles DES47, DES50 and DES51. For the reasons given at IR9.55 he further agrees that the proposal is consistent with SPD Design Principle DES49.
24. For the reasons given at IR9.57-61 the Secretary of State agrees that the application would be consistent with the objectives of the NDG and NMDC relating to lifespan. He further agrees for the reasons given at IR9.59 that the proposal is consistent with SPD Design Principle DES36.
25. The Secretary of State finds that the application is consistent with design policies contained in the Framework and 8 of the 10 characteristics of well-designed places within the NDG and NMDC. He also finds the application is consistent with the design policies contained in the LP, the NP, the Design SPG and where relevant the Buckingham Vision and Design Statement (IR9.62). He is further satisfied that the proposal adheres to the revised Framework's further emphasis on the role of beauty in planning.

#### *Implications for the Local Highway Network*

26. The Secretary of State agrees that visibility, the geometry and capacity of the access points into the site, along Whitehead Way and the north and south junctions of Moreton Road and Whitehead Way are acceptable and provide for safe access, in accordance with LP Policy BUC043 criteria h (IR9.64). For the reasons given at IR9.66 he also agrees the proposal is in line with LP Policy BUC043 criterion i.
27. For the reasons given at IR9.64-70 the Secretary of State agrees that the proposal would not conflict with the aims of LP Policies T1, 3, 5 and 7 or the Buckingham Transport Strategy and have sought appropriate opportunities to promote sustainable transport modes that can be taken up having regard to the type of development and its location (IR9.70).
28. The Secretary of State finds that the appellants' traffic modelling has adopted a highly robust approach (IR9.73). For the reasons given at IR9.71-78 the Secretary of State agrees that the 2 town centre roundabouts would not, given the predicted increases in baseline traffic, experience a material increase of impact and increase in journey times because of the application (IR9.78). He further agrees at IR9.78 that the residual cumulative impact of traffic generated by the application would not be severe.

### *Landscape and Visual Impact*

29. The Secretary of State notes that the site carries no landscape designations and for the purposes of Framework paragraph 174 (a) (now 180 a) it is agreed that the site does not form part of a “valued landscape” (IR9.80). He agrees at IR9.81 that given the application site is a greenfield site, the development would inevitably change the landscape character of the site. However, he further agrees at IR9.83 that the adverse impacts on landscape character would be restricted to the site itself and the wider visual impacts of the development would be satisfactorily mitigated by the landscape led approach to design and layout. He agrees that given the limited scale of the adverse landscape effect of built development on the application site, this matter attracts limited weight (IR9.132).
30. He agrees the application would not conflict with LP Policies BUC043 criteria b, NE4 and 8, and NP Policy mmDHE1.

### *Heritage*

31. The Secretary of State agrees at IR9.88 that there are no views in or out of the application site and the only view out from the site is of the spire of the church of St Peter and St Paul. Given the intervening development, there would no harm to the Buckingham Conservation Area (CA)’s setting or significance. For the reasons given at IR9.89 the Secretary of State agrees that there would be no harm to the setting or significance of the Stowe Registered Park and Garden (RPG). He further agrees that given the topography, screening and the encroachment of farm buildings and the built-up edge of Buckingham, the application would not harm the setting or significance of the Central Buckingham CA (IR9.89). For the reasons given at IR9.90-9.91 he further agrees that there would be no additional impact to the setting and significance of Maids Morton, Chackmore or Akeley CAs.
32. The Secretary of State agrees at IR9.93 that the application would cause no harm to the setting or significance of the identified heritage assets and would not conflict with LP policy BE1 or Framework section 12.

### *Biodiversity Net Gain*

33. The Secretary of State agrees for the reasons given at IR9.94-100 that the application would protect and enhance the biodiversity of the site and provide for a net gain in biodiversity with a positive 31.39% change in habitats and a positive 14.37% change in hedgerows. He further agrees that the proposal would not conflict with LP NE1, NP Policies DHE2, DHE4 and DHE5. The Secretary of State affords these ecological benefits moderate weight.

### *Housing Land Supply (HLS)*

34. The Secretary of State acknowledges that as of September 2023, for the Aylesbury Vale area, the HLS stands at 4.5-years for the period 2023-2028 (IR9.104). The Secretary of State accepts the evidence put forward by Geoff Armstrong in his representation dated 29 January 2024 and Nina Hewitt-Jones on behalf of Buckinghamshire Council in her representation dated 31 January 2024 that the councils current land supply position is 4.7 years owing to the removal of the 5% buffer from the calculation as a result of changes in

the revised Framework. He finds that the land supply position would still be less than five years and the presumption in favour of sustainable development is triggered, in accordance with footnote 8 to paragraph 11(d) of the Framework.

### *Flood Risk and Drainage*

35. For the reasons given at IR9.105-8, the Secretary of State agrees that the application would comply with the objectives of the Framework, LP Policies I4 and I5, LP Policy BUC043 and NP Policy I5. SC22 provides for the approval of a rainwater capture scheme and as such the application would comply with NP Policy I3.

### *Other matters*

36. The Secretary of State agrees for the reasons given at IR9.117 that it is reasonable to consider the two fields fall within the definition of Best and Most Versatile (BMV) agricultural land. He notes there is no evidence before the inquiry to indicate that the loss of this land would result in an adverse economic or operational effect on the holding to which it currently belongs. He further notes no evidence has been produced to address footnote 62 of the revised Framework. The Secretary of State agrees that the loss of BMV agricultural land should be afforded limited weight.

37. The Secretary of State notes there is conflict with NP Policy HP1. He notes that where there is conflict between the provisions of an adopted local plan and a made neighbourhood plan, S.38(5) of the PCPA 2004 requires that any conflict between policies in different plans must be resolved in favour of the policy in the last plan to become part of the development plan. He agrees that the adopted LP takes precedence over the NP and as such the conflict is neutral (IR9.123).

38. For the reasons given at IR 9.120-121 the Secretary of State agrees there is a partial conflict with LP Policy T6 as 16% of parking spaces are 2.5m wide, rather than the minimum policy requirement of 2.8m.

### **Benefits**

39. The Secretary of State agrees at IR9.128 that the provision of market housing carries significant weight.

40. He further agrees at IR9.129 that as affordable housing provision of 35% would materially exceed the minimum requirement of the LP, 25%, this provision carries significant weight.

41. He further agrees at IR9.130 that as the proposal is providing a significant amount of public open space more than the LP requires and includes a BMX track, the public open space provision carries significant weight.

42. He finds that the economic, social and environmental benefits collectively carry moderate weight.

### **Planning conditions**

43. The Secretary of State had regard to the Inspector's analysis at IR8.1-8.6, IR9.92 and IR9.134, the recommended conditions set out at the end of the IR and the reasons for

them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

### **Planning obligations**

44. The Secretary of State has had regard to the Inspector's analysis at IR8.7-8.21, IR9.109-166 and IR9.135, the planning obligation dated 1 November 2023, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR9.135, he agrees with the Inspector's conclusion that with the exception of Schedule 7 the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 57 of the Framework.

### **Planning balance and overall conclusion**

45. For the reasons given above, the Secretary of State considers that the application is not in accordance with LP Policy T6 of the development plan but is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

46. As there is no five year HLS, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

47. Weighing in favour of the proposal is delivery of market housing, affordable housing and public open space which all individually carry significant weight. Ecological benefits carry moderate weight and economic, social and environmental benefits collectively also carry moderate weight.

48. Weighing against the proposal is the adverse landscape impact and loss of BMV agricultural land, both of which carry limited weight.

49. The Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed. He further considers that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore applies.

50. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the accordance with the development plan and the material considerations in this case indicate that permission should be granted.

51. The Secretary of State therefore concludes that planning permission should be granted.

### **Formal decision**

52. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for the erection of 130 dwellings,

associated access and parking, landscaping and amenity space and the change of use of land from agriculture to use as sports pitches/recreational open space and informal open space, in accordance with Local Planning Authority application Ref: 20/00510/APP, dated 10 February 2020.

53. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

**Right to challenge the decision**

54. 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 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

55. A copy of this letter has been sent to Buckinghamshire Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully



Decision officer

*This decision was made by Simon Hoare MP, Parliamentary Under Secretary of State for Local Government, on behalf of the Secretary of State, and signed on his behalf*



## Annex A Schedule of representations

### Representations received in response to the Secretary of State's letter of 17 January 2024

<b>Party</b>	<b>Date</b>
Armstrong Rigg Planning (on behalf of the applicant)	31 January 2024
Buckinghamshire Council	1 February 2024
Buckinghamshire Town Council	1 February 2024

## Annex B List of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall only be carried out in accordance with drawing nos.:

Project No – 333100027

Site Location Plan PL-01A  
Context Plan PL-02A  
Planning Layout PL-03N  
Materials Layout PL-05E  
Adoption Layout PL-06C  
Amenity Check Layout PL-07C  
Affordable Housing Layout PL-08B  
Custom Build Plots PL-09A  
Site Sections SE-01C

Street Scenes SS-01 C  
Street Scenes SS-02C  
External Works Details DET-01B  
Perspective 01 PER-01A  
Perspective 02 PER-02  
Perspective 03 PER-03  
Perspective 04 PER-04  
Parking Schedule N

Private House Types

Salter ST2B HT-SALTER-01-C  
Harper HA-3B HT-HARPER-01-C  
HP5 HT-HP5-01-B  
Reedmaker RE4B HT-REEDMAKER-01-C  
Blemmere BM 3B HT-BLEMMERE-01-C  
Blemmere BM 3B HT-BLEMMERE-02A  
Blemmere BM 3B HT-BLEMMERE-03  
Coppersmith CS 3B HT-COPPERSMITH-01-C  
Coppersmith CS 3B HT-COPPERSMITH-02-B  
MR1-Scrivener HT-MR1-01-C  
MR2-Quilter crank HT-MR2-01-D  
MR3-Quilter HT-MR3-01-C  
MR3-Quilter HT-MR3-02-B  
Weaver HT-WEAVER-01-B  
Weaver HT-WEAVER-02  
Goldsmith HT-GOLDSMITH-01-D  
Goldsmith HT-GOLDSMITH-02A  
Arkwright AR4B HT-ARKWRIGHT-01-C  
Arkwright AR4BHT ARKWRIGHT 02  
Arkwright AR4B HT ARKWRIGHT 03 V1B

Arkwright AR4B HT ARKWRIGHT 04 V1  
Watchmaker HT-WATCHMAKER-02-B  
Watchmaker HT-WATCHMAKER-03-B

#### Affordable House Types

2Bed-Baker M4(2) HT-2BED-02-B  
3Bed-Tillman M4(2) HT-3BED-01-C  
3Bed-Ploughwright M4(2) HT-3BED-02B  
4Bed-Cartographer M4(2) HT-4BED-01-C  
3Bed Bungalow HT-3B-BUNG-01-C  
1Bed Maisonette HT-1B-FLAT-01-C  
2Bed Maisonette HT-2B-MAISONETTE-01-B  
1&2 Bed Maisonette HT-1&2MAISONETTE-01-C

Project No - 24913

Bin and Cycle Store HT-BIN & CYL A  
Single Garage HT-GAR-01  
Dual Single Garage HT-GAR-02  
Double Garage HT-GAR-03  
Electric Sub Station HT-S/STATION

#### Aspect Landscape

Illustrative Landscape Strategy 5440/ASP5 I  
Planting Plan Overview 5440.PP.4.0 rev G  
Planting Plan 1 of 8 5440.PP.4.1 rev G  
Planting Plan 2 of 8 5440.PP.4.2 rev G  
Planting Plan 3 of 8 5440.PP.4.3 rev G  
Planting Plan 4 of 8 5440.PP.4.4 rev G  
Planting Plan 5 of 8 5440.PP.4.5rev G  
Planting Plan 6 of 8 5440.PP.4.6 rev G  
Planting Plan 7 of 8 5440.PP.4.7 rev G  
Planting Plan 8 of 8 5440.PP.4.8 rev G  
Playspace Plan 5440.PS.6.0rev D  
POS Detail Plan 5440.SK001 rev E

Pegasus Group

Rugby Pitches Design Proposals P20-0071\_01-B

3. No other part of the development shall be occupied until the development accesses have been laid out as shown on the approved Adoption Layout Ref PL-06 rev C, and constructed in accordance with Buckinghamshire Council's guidance note, 'Commercial Vehicular Access within Highway Limits'.
4. The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be submitted to and 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.

5. Prior to the occupation of the dwelling to which it relates, the vehicle and cycle parking, garaging and manoeuvring spaces shall be provided in accordance with the approved planning drawings, and that parking, garaging and manoeuvring spaces shall be retained and not thereafter be used for any other purpose, save for the garaging which may also be used for domestic storage purposes.
6. Prior to the occupation of the development, details of the provision of electric charging points shall be submitted to and approved in writing by the local planning authority, and the electric charging points shall be implemented in accordance with the approved details and shall thereafter be retained for the lifetime of the development.
7. Prior to the commencement of any development works on the site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. The CTMP shall provide for the following:
  - Construction traffic routing details.
  - Construction access details, temporary or otherwise.
  - The parking of vehicles of site operatives and visitors off the highway.
  - Loading and unloading of plant and materials and storage of plant and material used in constructing the development off the highway.
  - Operating and delivery hours.
  - The erection and maintenance of security hoarding.
  - Wheel washing facilities.
  - Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

8. No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is substantially completed. The scheme shall also include:
  - Discharge rate for the residential area must be limited to 14l/s or less where infiltration as a means of surface water disposal is used to drain impermeable areas.
  - Discharge rate for the play area and sports pitches must be limited to 9.1l/s.
  - Groundwater level monitoring over the winter period (October to March).
  - Full construction details of all SuDS and drainage components.
  - Detailed drainage layout with pipe numbers, gradients and pipe sizes together with storage volumes of all SuDS components
  - Calculations to demonstrate that (a) the proposed drainage system can contain up to the 1 in 30 storm event without flooding, (b) any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event can be safely contained on site, and (c) the urban creep allowance is set to 10%.
  - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately

managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

9. The materials to be used on the external surfaces of the development hereby permitted shall be as set out on the approved Materials Layout, plan Ref: PL-05 rev E.
10. Prior to first occupation of any dwelling hereby permitted details shall be submitted to and approved in writing by the local planning authority to demonstrate how the dwellings shall achieve a 10% improvement over Building Regulation energy efficiency requirements. The submitted details are to be broadly in accordance with the Sustainability and Energy Statement Update (Turley, September 2023). The development shall then be carried out in strict accordance with the agreed details and the measures shall thereafter be retained for the lifetime of the development.
11. The development hereby permitted shall be carried out in accordance with the Ecological Appraisal (Aspect Ecology, dated March 2021, Ecology Addendum September 2023 and updated Biodiversity Net Gain Assessment September 2023) and shall incorporate the measures detailed therein. The measures shall thereafter be retained for the lifetime of the development.
12. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include, but shall not be limited to, the following:
  - Risk assessment of potentially damaging construction activities.
  - Identification of “biodiversity protection zones.”
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - The location and timing of sensitive works to avoid harm to biodiversity features.
  - The times during construction when specialist ecologists need to be present on site to oversee works.
  - Responsible persons and lines of communication.
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

13. Prior to commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include, but shall not be limited to, the following:
  - Description and evaluation of features to be managed.
  - Ecological trends and constraints on site that might influence management.
  - Aims and objectives of management.
  - Appropriate management options for achieving aims and objectives.
  - Prescriptions for management actions.

- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details.

14. The landscaping scheme as it applies to the amenity land as shown on Amenity Check Layout Plan Ref. PL-07C and the Aspect landscaping plans approved under Condition 2, shall be carried out in accordance with a phasing plan to be submitted and approved prior to the commencement of development. The approved landscaping scheme shall be implemented not later than the first planting season following the first occupation of the dwellings in the relevant phase of development thereby permitted. Thereafter, 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 the same species, size and maturity.
15. No site clearance or development shall take place until a detailed tree and hedgerow protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained has been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority this shall comprise a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan. Thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
  1. There shall be no changes in ground levels;
  2. No materials or plant shall be stored;
  3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan;
  4. No materials or waste shall be burnt nor within 20 metres of any retained tree; and
  5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the local planning authority.
16. No dwelling shall be occupied until the boundary treatment to the garden area serving that dwelling has been installed in accordance with the approved Coloured Planning Layout Ref: PL-03 rev N.
17. Prior to the commencement of works above slab level full details of a waste and recycling collection strategy shall be submitted and approved in writing by the local planning authority. The approved waste and recycling collection strategy shall be

implemented prior to the occupation of the dwellings to which it relates, and the approved waste collection areas shall be retained and shall not thereafter be used for any other purpose.

18. No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the local planning authority, with reference to fixed datum point. The building(s) shall be constructed with the approved slab levels.
19. Notwithstanding the details shown on the Aspect Landscape Plan Refs: 5440.SK001 rev E (POS Detail Plan) and 5440.PS.6.0 Rev D (Playspace Plan), full details of the layout of the proposed combined LEAP/NEAP area shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings hereby permitted. The development shall be carried out in accordance with the agreed details prior to the occupation of no more than 50% of the dwellings hereby permitted and shall thereafter be retained as such.
20. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved scheme.
21. Notwithstanding the details shown on Pegasus Plan Ref P20-0071\_01-B (Rugby Pitches Design Proposals), full details of the lighting scheme for the rugby pitches shall be submitted to and approved in writing by the local planning authority before occupation of the 80th dwelling and shall thereafter be installed in accordance with the approved details and maintained while required for the lifetime of the development.
22. Prior to the first occupation of the dwellings to which they relate a scheme to capture rainwater for use by residents, i.e., by water butt or suitable alternative, shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the occupation of the dwelling(s) to which the approved details relate and shall be retained as such thereafter.
23. Prior to the commencement of construction above slab level, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bats in terms of disturbance from artificial lighting, such as in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed in public areas (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in

accordance with the approved strategy. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

24. In accordance with the details of the scheme hereby approved, 15% of the affordable housing dwellings (7 units) shall be constructed to comply with the requirements of Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings contained in Category 3 of Schedule 1 of the Building Regulations 2010 (as amended). Such provision shall be maintained for the lifetime of the development.
25. In accordance with the dwelling design details hereby approved, all of the dwellings hereby permitted, except for the 15% of the affordable dwellings (7 units) subject to Condition 24 above, shall be constructed to comply with the optional requirement M4(2): Category 2 – Accessible and Adaptable Dwellings of the Building Regulations 2010 (as amended). Such provision shall be maintained for the lifetime of the development.





The Planning Inspectorate

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# **Report to the Secretary of State for Levelling Up, Housing and Communities**

**by S R G Baird BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Date 4 December 2023**

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**TOWN AND COUNTRY PLANNING ACT 1990**

**BUCKINGHAMSHIRE COUNCIL**

**APPLICATION BY**

**BELLWAY HOMES LIMITED & AVENUE HOMES LIMITED**

Inquiry held on 17 October 2023

File Ref: APP/J0405/V/23/3322305

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**Glossary**

AG	Action Group
AH	Affordable Housing
APC	Akeley Parish Council
AV	Aylesbury Vale
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
BTC	Buckingham Town Council
BTS	Buckingham Transport Strategy
CA	Conservation Area
CD	Core Document
CEMP	Construction Environmental Management Plan
CMC	Case Management Conference
DAS	Design & Access Statement
EV	Electric Vehicle
FRA	Flood Risk Assessment
HA	Heritage Asset
HC	High Court
HLS	Housing Land Supply
LCA	Landscape Character Areas
LEAP	Locally Equipped Area for Play
LEMP	Landscape and Ecology Environmental Management Plan
LLFA	Local Lead Flood Authority
LP	Local Plan
Ipa	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
MM	Maids Morton
MMPC	Maids Moreton Parish Council
NDG	National Design Guide
NMDC	National Model Design Code
NEAP	Neighbourhood Equipped Area for Play
NP	Neighbourhood Plan
OM	Open Market
RFC	Ratio to Flow Capacity
RoSPA	Royal Society for the Prevention of Accidents
RPG	Registered Park and Garden
RR	Ready Reckoner
SC	Suggested Condition
SoCG	Statement of Common Ground
SoS	Secretary of State
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
SUDS	Sustainable Urban Drainage System
TA	Transport Assessment
TBS	The Buckingham Society
TSoCG	Transport Statement of Common Ground

**File Ref: APP/J0405/V/23/3322305**

**Land to the west of Moreton Road and Castlemilk, Moreton Road, Buckingham, Buckinghamshire**

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 17 May 2023.
- The application is made by Bellway Homes Limited and Avenue Farms Limited.
- The application Ref 20/00510/APP is dated 10 February 2020.
- The development proposed is the erection of 130 dwellings, associated access and parking, landscaping and amenity space and the change of use of land from agriculture to use as sports pitches/recreational open space and informal open space.
- The reason given for making the call-in direction was, that the Secretary of State decided, in the light of his policy on calling in planning applications, that the application should be referred to him instead of being dealt with by the Local Planning Authority.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  - a) the extent to which the proposed development is consistent with Government policies for achieving well designed places, as set out in the NPPF (Chapter 12); and
  - b) the extent to which the proposed development is consistent with the guidance on design set out the National Design Guide (2021) and the National Model Design Code (2021); and
  - c) the extent to which the proposed development is consistent with the development plan for the area; and
  - d) any other matters the Inspector considers relevant.

**Summary of Recommendation: The application be approved.**

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**Preliminary Matters**

- 1.1. The inquiry sat for 4 days from Tuesday 17 October 2023. An accompanied site visit was made on Wednesday 25 October 2023. Unaccompanied site visits were made before and after the inquiry.
- 1.2. A Case Management Conference (CMC) was held on 31 July 2023. A note of the meeting was posted on the inquiry website (CD 6.10). Regarding Matter d above, the Inspector advised that he wished to be informed on the implications of the application for:
  - i) the local highway network,
  - ii) landscape and visual impact,
  - iii) heritage assets,
  - iv) biodiversity net gain, and
  - v) housing land supply.
- 1.3. Before the inquiry opened, a further topic was added. This was,

- vi) whether adequate provision would be secured to provide for additional facilities, including transport, education, community facilities, and open space arising from the development.
- 1.4. At the CMC it was agreed that the applicants would update several documents. These were, the Design and Access Statement (DAS) (CD 3.65), the Flood Risk Assessment (FRA) (CD 3.62), the Sustainability and Energy Assessment (CD 3.63), the Ecology Assessment (CD 3.60), the Biodiversity Net Gain (BNG) report and the BNG Metric 4 calculation tool (CDs 3.61A & B), and the Transport Assessment (TA) (CD 3.64).
- 1.5. The planning application was submitted to the local planning authority (lpa) in February 2020 and the application was reported to the September 2022 Strategic Planning Committee based on the plans and supporting documents extant at that time (CD 2.1, CDs 1.1 to 1.89). At the inquiry, the applicants requested that the application be determined based on amended plans and the supporting documents listed above, submitting that the amendments consisted of minor refinements<sup>1</sup> (CDs 3.1 to 3.59). The lpa confirmed that it had no objection to the application being determined based on the amended plans.
- 1.6. The amended plans and documents were added to the lpa's Planning Applications and Appeals Register website and the applicants wrote to all those notified of the application, advising that the amended plans were available to view and that any comments on the updated plans should be sent to the Planning Inspectorate (CDs 8.1 and 8.2).
- 1.7. Based on the principles established in *Bernard Wheatcroft v Secretary of State for the Environment: CA 1982* and *Holborn Studios Ltd v The Council for the London Borough of Hackney November 2017 [2017] EWHC 2823 (Admin)*, the amendments do not involve a substantial difference or fundamental change to the application. Considering the application based on the amended plans would not result in procedural unfairness or prejudice to any party. Accordingly, the assessment of the merits of this application and the recommendation to the Secretary of State (SoS) are based on the amended plans and documents (CDs 3.1 to 3.65).
- 1.8. In addition to the Statement of Common Ground (SoCG) (CD 3.69), SoCGs relating to Transport, Highways and Accessibility Matters (CD 3.71) and the Housing Land Supply (CD 3.70) were provided.
- 1.9. A completed S106 Agreement (CD 3.67) and a CIL Compliance Schedule (CD 3.68) were submitted. The Agreement provides for the provision of affordable housing (AH), self-build and custom build plots, open space, play areas, a BMX track, sports pitches, sustainable urban drainage systems (SUDS) and a travel plan. The Agreement also provides for financial contributions for: maintenance of the open space, play areas, BMX track and sports pitches, primary and secondary education, highway works and

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<sup>1</sup> Proof of Evidence of Mr Tucker CD3.76 Paragraph 2.17 & CD 3.69 Appendix 1 to the Statement of Common Ground.

monitoring. Details of the Agreement and the disputed element are discussed later in the report.

- 1.10. During the inquiry, the Buckinghamshire Healthcare NHS Trust withdrew a request for a financial contribution towards the provision of Acute and Community Health Infrastructure (CD 7.17).
- 1.11. The list of documents includes opening and closing submissions (CDs 3.88, 89, 93, 94 & 95) and proofs-of-evidence from the main parties (CDs 3.74 to 3.86). The proofs of evidence are as originally submitted and do not take account of how that evidence may have been affected by subsequent discussions and agreement between the various parties. The applicants' evidence on Heritage Impacts was tendered as a written submission (CD 3.81 & 81A).
- 1.12. In reporting the cases for the main parties, opening and closing submissions have been used as the basis for their cases. All documents submitted to the inquiry can be viewed at [Public inquiry: Land West of Moreton Road and Castlemilk, Moreton Road, Buckingham | Buckinghamshire Council](#).

## 2 The Site and Surroundings

- 2.1 The site is located to the north-west of and adjoins the developed area of Buckingham (CDs 3.1 & 2). The existing settlement edge forms the eastern and southern boundaries of the site. Moreton Road Phases 1 and 2 are located directly to the east of the site with existing development to the south accessed off Bradfield Avenue. The adjoining development is residential in nature, apart from a small cluster of single-storey light industrial buildings (Park Manor Farm) on the north-western corner of Phase 1 and Buckingham Rugby Club to the north of Phase 2.



- 2.2 The site comprises 2 agricultural fields totalling some 11ha immediately to the west of the Moreton Road Phases 1 and 2. The 2 fields are divided by a tall, 2m plus, dense mature hedge running westwards from Park Manor Farm. The field to the north of this hedge extends to some 5.6ha with the southern field extending to some 5.4ha (CDs 3.1 & 2). The site slopes gently towards the southern boundary, which is formed by a mature hedgerow of varying height and borders the rear gardens of dwellings fronting Bradfield Avenue.
- 2.3 The western boundary with the agricultural land is defined by a mature hedgerow, mostly over 2m in height. There are a few trees along the length of the hedgerow, most of which are located within the upper northern stretch. The eastern edge with Phases 1 & 2 is defined by a tall, 2m plus, mature hedgerow. The northern boundary is similarly defined by a tall, 2m plus, mature hedgerow with several mature trees scattered along its length and a field access gate into the site. Long distance views out and views into the site are limited by the boundary hedges. A farm track and bridleway accessed off Moreton Road directly adjoins the northern boundary and provides access to a farmhouse to the north-west and one of the rugby club car parks.
- 2.4 Residential development along the boundary is mostly 2-storey, rising to 2.5 and 3-storeys beyond to the centre of Phase 1. Dwellings in Phases 1 and 2 primarily front onto the site. There are no existing pedestrian or vehicle links

into the site. Road spurs and ends of turning heads within Phase 1 (Shetland and Lincoln) adjoin the site.

- 2.5 Central Buckingham is designated as a Conservation Area (CA) and a central feature is the Grade 1 Listed Church of St Peter and St Paul. To the west and north is open agricultural land. To the north-east and north-west are the villages of Maids Morton (MM), Chackmore and Akeley, parts of which are designated as CAs. Located some 3.29km to the north-west is Stowe. Stowe is designated as a Grade 1 Registered Park and Garden (RPG) that extends to some 500 ha, with much of the area designated as a CA. The RPG includes 45 listed buildings of which 28 are Listed Grade 1, 4 are Grade 2\* and 13 are Grade 2 (CD 3.81, Figure 1 CD 3.81A & CD 3.80A).



### 3 The Proposal

- 3.1 The application seeks full planning permission for the erection of 130, one and 2-storey dwellings at a density of 31 dwellings per hectare and public open space (CD 3.3). Of the 130 dwellings, 84 (65%) would be open-market dwellings, 46 (35%) would be built as affordable homes (AH) (CD 3.7). Of the open market dwellings, 5 plots in the north-eastern corner of the residential layout would be reserved as self-build and custom-build plots (CD 3.8). Of the 46 AHs, 11 would be for shared ownership (24%) and 35 for affordable rent (76%). The AHs for rent include 7 that would be wheelchair accessible including one 3 bed bungalow. The breakdown of dwelling sizes is listed at Section 7.2 of the DAS (CD 3.65). All the dwellings would be in the southern field (5.4ha) organised in 8 suburban blocks with fronts facing on to a series of short streets linked to a central spine road. These in turn would be connected to existing Phase 1 streets, Shetland to the north and Lincoln to the south (CD 3.3).
- 3.2 The scheme proposes a distinctive hierarchy of street types comprising Primary Street, Lanes, Shared Surfaces and Private Drives based on the principles of Manual for Streets. Each street would have a distinctive character and role within the scheme (CD 3.65 page 90).
- 3.3 The Primary Street fronted by houses with consistent sized front gardens would have a more formal character providing first-tier circulation between the northern and southern site access points. The objective is to provide for efficient movement by bicycles and vehicles, with 2m wide foot paths for pedestrians either side of the carriageway. The route would be direct and follow desire lines across the development (CDs 3.14, 15 & 16). This street would provide access to the Shared Surface routes and Private Drives.
- 3.4 Lanes would be secondary routes linking the Primary Street to the edges of the development. These routes are provided where pedestrian traffic would be higher and include a dedicated footpath. Lanes would be fronted by houses with larger front gardens and have an informal character. Much of the western central green edge would be provided as a Lane to cater for pedestrian movement along this edge (CD 3.13). Lanes would vary in width to provide speed reduction measures as set out in Manual for Streets.
- 3.5 Shared Surfaces would be third level routes linking the Primary Street via connecting Lanes and green routes, leading to the edges of the development. They would be fronted by houses with larger front gardens and would have an informal character. Shared surfaces would not have dedicated footpaths rather designed as places for people to walk, play, cycle and interact with neighbours. Services would be accommodated in a grassed verge. Private Drives would be informal, private spaces serving the dwellings they front and provide a soft edge along the edges of the development.
- 3.6 Excluding parking provision for the rugby club and open space area, a total of 323 parking spaces are proposed across the development. Of these, 281 would be allocated to homes, 14 would be unallocated with one space serving

as a dedicated electric vehicle (EV) charging point for the maisonette block (Plots 120 -125) and 14 spaces would be allocated as visitor spaces.

- 3.7 On the southern boundary, pedestrian access would be provided to Bradfield Avenue. Informal footpath connections would be provided through the central east/west hedge, giving access to the open space and play facilities and connections to Phase 2 and the bridleway on the northern boundary.
- 3.8 The scheme is based on a landscape led approach to the design and layout with a built form comprising a variety of house types (1-2 storeys), with a variety of roof forms and design (CDs 3.18 to 3.48). A perimeter block approach to layout design with landscaped buffers, including SUDS attenuation ponds, to the southern eastern and western boundaries has been adopted (CD 3.49). The use of structural native shrub and tree planting along the site boundaries seeks to visually assimilate the building elevations and car parking, as well as clearly defining the public and private spaces. The main road through the development would be defined with formal hedgerows and grass verges with tree planting. The landscape treatment along the south-eastern and southern boundaries seeks to provide a landscape buffer between the existing and proposed houses and create an appropriate transition to the wider rural landscape to the west. The drainage solutions provide areas for wildflower and meadow grasslands incorporated to create landscape and biodiversity.
- 3.9 The Primary Street would incorporate avenue tree planting to create a coordinated and enhanced landscaped setting to the built form and the street scenes. Hard surface finishes seek to provide variety and interest whilst also aiding in identifying character areas, private driveways, parking courts and key nodal points within the development. Tree planting is integral to the layout to ensure a high-quality residential scheme. Choice of tree species would assist in legibility, highlighting the pedestrian routes or key nodal points. Larger specimen species and native varieties would be included providing for a coordinated street scene. Feature tree species would be used to highlight nodal points and primary and seasonal interest in key locations.
- 3.10 The context assessment of Phases 1 and 2 and dwellings along Moreton Road influences the appearance of Phase 3 (CD 3.65 pages 30 to 43). The key elements of the design of the dwellings (CDs 3.18 to 3.48) include:
- red and buff brick façades, with the use of smooth russet/brindle tile, or slate tile with varying roof pitches and extensive use of chimneys,
  - brick sills, flat arch window heads and stone heads with a central key stone,
  - traditional bedded or wet verge detail with detail brick below. Various eaves and verge details, boxed eaves between brick corbels. Where eaves are broken with a gable, a barge board would be used to continue the boxed eaves detail,
  - window styles of varying complexity incorporating a mix of light grey or black window frames and splayed bay windows with hipped roofs with decorative brick band details above first floor window head level,

- various entrance door styles, with either a lean-to canopy or decorative door surround,
- gable brick detail,
- boundary treatments to include low brick wall with brick piers and hoop top railings to the northern site entrance, 5 bar estate style railing, timber picket fence and extensive use of landscape to private frontages,
- utility meters and external supply pipes placed out of public view. Where exposed, these would be situated as low as possible, and colour matched to the main facade material.

3.11 The primary public open space area would be in the northern field (5.6ha) and would be laid out as formal and informal open space, which would be offered to Buckingham Town Council (BTC) for adoption (CD 3.3). The area would include some 1,000 sqm of play space formed as a Neighbourhood Equipped Play Area (NEAP) aimed at older children, a Locally Equipped Play Area (LEAP) aimed at children of early school age and a BMX track are proposed. The final details of the NEAP/LEAP and BMX track would be agreed and secured by conditions and the S106 Agreement. In the north-eastern corner 2 floodlit pitches and a car park for use by Buckingham Rugby Club would be provided (CD 3.59). The scheme includes 2ha of mitigatory grassland, tree and hedge planting, pond creation to the south-east corner, and a hoggin footpath around the open space and rugby pitches.

3.12 The scheme includes a Travel Plan (CD 1.63). Offsite highway works would include:

- a left turn filter slip at the A422 Stratford Road/A413 roundabout,
- the introduction of lane markings on the Moreton Road approach to the Old Gaol roundabout to identify 2 separate approach lanes,
- shelters and Real Time Passenger Information (RTPI) systems at southbound bus stops on Moreton Road,
- a footway linking to the northbound bus stop on Moreton Road and bus stop infrastructure at the northbound bus stop,
- dropped kerbs/tactile paving at all crossing points along Moreton Road to facilitate safe access to bus stops,
- a combined pedestrian and cycle crossing over Moreton Road,
- a cycle route southwards along Moreton Road to the Old Gaol roundabout and blue cycle direction signs along the existing off-road cycle route next to Moreton Road,
- a pedestrian refuge on Moreton Road near the Old Gaol roundabout,
- provision of cycle stands at locations within the town centre.

## 4 Planning Policy and Guidance

### Development Plan

- 4.1 The development plan includes the Vale of Aylesbury Local Plan (VALP) 2013 - 2033 (LP) adopted in September 2021 and the Buckingham Neighbourhood Development Plan made in October 2015 (NP).
- 4.2 As a new unitary authority, Buckinghamshire is required to have a new district-wide LP in place by April 2025. The adoption date of the new LP is expected to be 2026 at the earliest.

### Local Plan (CD 4.1)

- 4.3 Paragraphs 2.3 to 2.7 of the SoCG list the LP policies relevant to the application (CD 3.69). The following are a brief description of the key policies.

### Strategic Development

- 4.4 *Policy S2 - Spatial Strategy for Growth*, provides for 28,600 homes within the plan period focussed on the 5 strategic settlements of which Buckingham is one. The objective is to maintain and enhance their role, minimise the need to travel, optimise sustainable modes of travel, deliver necessary facilities and services, and enabling an integrated and balanced approach to the provision of homes, jobs, and leisure.
- 4.5 Buckingham is to accommodate 2,177 new homes of which 550 homes are to come forward by way of 2 strategic allocations: 130 homes on the application site (Policy BUC043) and 420 homes on land off Osier Way<sup>2</sup> (Policy BUC046) on the southern side of the Buckingham. Policy S2 (b) highlights the importance of these allocations to the enhancement of Buckingham town centre and supporting sustainable economic growth in the north of the Aylesbury Vale (AV). *Policy S3 - Settlement Hierarchy and Cohesive Development*, requires the scale and distribution of development to accord with the settlement hierarchy and the site allocation policies that arise from it.
- 4.6 *Policy D2 - Delivering Site Allocations in the rest of Aylesbury Vale*, lists 7 strategic site allocations of which the application site is one and highlights the importance of delivery of these sites to the delivery of the spatial strategy and scale of development needed in AV. Design and delivery of the allocations should adhere to the site-specific allocation policies.
- 4.7 *Policy BUC043 – Land west of VALP Allocation BU1 Moreton Road<sup>3</sup>*, allocates the application site for 130 homes, sports pitches, recreation space and green infrastructure and lists 13 criteria that the submitted scheme should comply with. These are précised as:

<sup>2</sup> Outline planning permission (19/00148/AOP), granted on 12 July 2022.

<sup>3</sup> CD 4.1 page 132.

- a. provision of at least 130 dwellings at a density that takes account of the adjacent settlement character and identity,
- b. a landscape-led approach informed by a Landscape and Visual Impact Assessment (LVIA),
- c. an ecological management plan covering tree and hedge planting, pond creation, and the provision of 2ha of mitigatory grassland,
- d. a tree protection plan,
- e. a hard and soft landscaping scheme,
- f. an archaeological assessment and evaluation,
- g. a layout having regard to the findings of an archaeological investigation,
- h. satisfactory vehicular access,
- i. a surface water drainage strategy based on sustainable drainage principles,
- j. a foul water strategy,
- k. an assessment of sewerage capacity and water supply,
- l. a financial contribution towards elements of the Buckinghamshire Transport Strategy,
- m. amenity land comprising a NEAP and LEAP with sports pitches, which, subject to agreement, would be transferred to Buckingham Town Council.

#### Housing

- 4.8 *Policy H1 – Affordable Housing*, requires a scheme of this scale to provide 25% AH of a type, size, and tenure to be agreed. *Policy H5 – Self/Custom Build Housing*, seeks schemes of this scale to agree the provision of serviced plots for sale to self/custom builders. *Policy H6a – Housing Mix* seeks the provision of a mix of homes in general conformity with the Buckinghamshire Housing and Economic Development Needs Assessment (2016). *Policy H6c – Accessibility*, seeks a minimum of 15% of AH to be wheelchair accessible.

#### Highways & Transport

- 4.9 *Policy T1 – Delivering the Sustainable Transport Vision*, seeks to ensure that developments deliver highway and transport improvements to avoid a severe impact on the highway and public transportation network and encourages modal shift with greater use of more sustainable forms of transport. *Policy T3 – Supporting Local Transport Schemes*, development that would prejudice the implementation of or diminish the integrity of existing or protected and supported transport schemes will not be permitted. The Buckingham Transport Strategy (BTS) list several local schemes of which 2, are relevant (CD 4.25). These are a left turn slip at A422/A413/Stratford Road roundabout and improvements to the town-wide cycle network.
- 4.10 *Policy T4- Capacity of the Transport Network to Deliver Development*, development will be permitted where there is evidence of sufficient capacity in the transport network to accommodate the increase in travel demand. *Policy T5 - Delivering Transport in New Development*, indicates that development will only be permitted if mitigation is provided against any unacceptable transport impacts. *Policies T6 - Vehicle Parking* and *Policy T8 – Electric Vehicle Parking*, requires schemes to provide an appropriate level of car parking, in accordance

with LP standards<sup>4</sup>, which, amongst other things, lists the minimum parking space dimensions as 5m by 2.8m, one EV charger per house and 10% of communal parking bays provided with chargers.

- 4.11 *Policy T7 Footpaths and Cycle Routes*, seeks improvements to footpaths, new or improved cycle access and facilities, direct convenient and safe pedestrian movement and routes and that a network of pedestrian and cycle routes are provided to give easy access into and through new developments, to adjacent areas, and public transport services.

#### Heritage

- 4.12 *Policy BE1 – Heritage Assets*, development should seek to conserve heritage assets (HA) in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible.

#### Design

- 4.13 *Policy BE2 – Design of New Development*, seeks to ensure that development respects and complements, the physical characteristics of the site and its surroundings and the local distinctiveness and vernacular character of the locality. *Policy BE3 – Protection of Amenity*, seeks to protect the living conditions of existing residents. *Policy BE4 – Density*, schemes should generally constitute effective use of the land and reflect the densities of their surroundings. *Policy C3 – Renewable Energy* seeks to ensure that development achieves greater efficiency in the use of natural resources.

#### Biodiversity

- 4.14 *Policy NE1 – Biodiversity*, a net gain in biodiversity is sought by protecting, managing, enhancing, and extending existing biodiversity resources, and by creating new biodiversity resources.

#### Landscape

- 4.15 *Policy NE4 – Landscape Character*, development must recognise the individual character and distinctiveness of landscape character areas as set out in the Aylesbury Vale Landscape Character Assessment 2008 (LCA), their sensitivity to change and contribution to a sense of place. Development will be supported where mitigation to overcome any adverse impact to the character of the receiving landscape is included. *Policy NE8 – Tree, Hedgerows and Woodland*, seeks to enhance and expand the tree and woodland resource. Development resulting in the unacceptable loss of, or damage to, or threaten the continued well-being of any trees and hedgerows, that make an important contribution to the character and amenities of the area will be resisted.

#### Green Infrastructure, Sports, and Recreation

- 4.16 *Policy I1 – Green Infrastructure*, development should provide a range of functions and provide multiple benefits for wildlife, improving quality of life and

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<sup>4</sup> Appendix B

water quality and flood risk, health and wellbeing, recreation, access to nature and adaptation to climate change. Major residential developments are required to meet on-site the Accessible Natural Green Space Standards (ANGSt) listed in LP Appendix C. *Policy I2 – Sport and Recreation*, supports development accessible by pedestrians and cyclists and public transport where available and have no unacceptable impact on public amenity. *Policy I4 – Flooding* relates to the management of flood risk and the provision of SUDs. *Policy I5 - Water Resources and Wastewater Infrastructure* seeks to ensure improvements to water quality, adequate water resources, promote sustainable water use and ensure sufficient capacity for wastewater collection and treatment.

Neighbourhood Plan (CD 4.4).

- 4.17 *Policy HP1*, where development meets the requirements of other NP policies, development within the settlement boundary will be supported. *Policy HP1* allocates several sites for development, of which the application site is not one. *Policy HP4*, the sustainable development of a wide range of housing types, sizes, and tenures to meet local needs will be supported.
- 4.18 *Policy HP5*, requires that housing proposals for new housing on sites over 1ha or 25 or more units should provide a minimum of 35% AH. *Policy DHE1*, seeks the protection of existing trees and the provision of new trees should include species and types of tree to ensure that the landscape retains its current character. *Policies DH2, DH4 and DH5* seek to minimise the effect of development on natural habitats and species and provide net gains to biodiversity through, amongst other things, the use of native species in landscaping schemes.
- 4.19 *Policy DHE6* requires new developments to provide good quality private outdoor space. *Policy CLH2*, requires the provision of open accessible green space to include formal and informal playing space, and sports facilities, based on a minimum of 2.43ha per 1000 persons for open accessible green space; with a minimum of 0.25ha per 1000 persons of designated equipped playing space and 0.55 ha per 1000 persons of informal playing space. *Policies I3 and I5*, requires new buildings to include facilities to collect rainwater for use and demonstrate adequate sewage drainage.

Other Local Guidance

- 4.20 The SoCG paragraphs 5.10 and 5.11 list local guidance relevant to the application (CD 3.69). The following are a brief description of the key relevant policies.
- 4.21 *Biodiversity Net Gain – Supplementary Planning Document July 2022* (CD 4.6). Whilst the SPD does not require a minimum percentage BNG, paragraph 2.3 indicates that development proposals that are required to provide BNG can use the Government’s metric to support their biodiversity impact assessment. The latest version is Metric Version 4.0 March 2023.
- 4.22 *Interim Strategic Significance and Spatial Risk Guidance for Biodiversity Net Gain February 2023* (CD 4.7). Ahead of the lpa producing a Local Nature

Recovery Strategy, this interim guidance explains how the Ipa defines Strategic Significance and Spatial Risk in the context of delivering BNG. The guidance is to be used in conjunction with the latest DEFRA Biodiversity Metric.

- 4.23 *Design Supplementary Planning Document adopted 2023* (CD 4.20). An important focus of the Design SPD is that new development responds to local character and distinctiveness of AV. Based on, amongst other things, the National Design Guide (NDG) and the National Model Design Code (NMDC), Figures 1.2 to 1.6 list the design principles that new developments are required to follow. The relevant principles are set out in sections on, Context, Structure, Site Layout, Design Quality and Sustainability.
- 4.24 *Sports and Leisure Facilities Supplementary Planning Guidance 2005 (SPG) (CD 4.18) and a Ready Reckoner 2022 (RR) (CD 4.19)*. The SPG is applied to all proposals of 4 or more units of residential development. The level of sport and leisure facility provision is to be directly related in scale and kind to the need generated by the proposed development and local circumstances. Sport and leisure facility provision must be made on or off-site, or by means of a financial contribution. The initial Leisure Facilities Audit was undertaken between October 2003 and June 2004 and identified the optimum leisure and cultural provision for AV and identified areas of shortfall.
- 4.25 The RR identifies the facilities a development needs to provide on-site and provides the basis for the calculation of the contribution towards the provision of off-site community and leisure facilities. Each new property is required to pay a set figure based upon the property size, defined by number of bedrooms. This method has been chosen as it can be related to the number of occupants within a property, based upon the current average household size (2.5) for AV using the 2011 Census.
- 4.26 *Buckingham Vision and Design Statement 2001* (CD 4.32). Produced by the Buckingham Society, the design statement contains Design Guidelines, pages 16 and 17, which seeks to promote an understanding of the town's sense of place and distinctive character.
- National Planning Policy Framework (Framework) & Planning Practice Guidance (PPG)
- 4.27 Relevant Framework policies and PPG are listed in the SoCG at paragraphs 5.6 and 5.7 (CD 3.69).
- Framework
- 4.28 Paragraphs 8, 10 and 11, list the 3 overarching objectives of Sustainable Development, the presumption in favour of sustainable development is established and paragraph 11d and Footnote 8 confirm that where there is no 5-year supply of deliverable housing land, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against Framework policies taken as a whole i.e. the "Tilted Balance"



- 4.29 Paragraph 60 seeks to significantly boost the supply of homes and address the needs of those with specific housing requirements. Paragraph 74 requires Ipas to identify and update annually a supply of specific deliverable sites to provide a minimum of 5-years' worth of housing measured against the housing requirement set out in strategic policies. Paragraph 92 seeks to achieve healthy, inclusive, and safe places through, amongst other things, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, using attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, that encourage active and continual use and through the provision of safe and accessible green infrastructure and sports facilities.
- 4.30 Paragraphs 110, refers to appropriate opportunities to promote sustainable transport modes that can be taken up, the provision of safe access, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the NDG and the NMDC. Paragraph 111 says that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.31 Section 12 of the Framework highlights the need to achieve well-designed places. Paragraph 128 refers to Ipas preparing design guides that are consistent with the NDG and NMDC. Paragraph 130 highlights the need for developments that will function well and add to the overall quality of the area, now and in the future, are visually attractive, sympathetic to local character and history, establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive place to live, optimise the potential of the site, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 4.32 Framework paragraphs 162 and 164 seeks to direct development to areas with the lowest flood risk and to ensure that the flood risk elsewhere is not increased. Section 15 refers to conserving and enhancing the natural environment through recognising the intrinsic character and beauty of the countryside and minimising impacts on and providing net gains for biodiversity. Section 16 refers to conserving and enhancing the historic environment through recognising the value of HAs and their contribution to the quality of life of existing and future generations.
- PPG
- 4.33 NPs should support the delivery of strategic policies set out in the LP and not be used to constrain the delivery of a strategic site allocated in the LP. Should there be a conflict between a policy in a NP and a policy in a LP, S38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be

resolved in favour of the policy which is contained in the last document to become part of the development plan<sup>5</sup>.

#### Other National Guidance

- 4.34 *National Design Guide January 2021 and National Model Design Code 2021.* The NDG and NMDC seek to illustrate how well-designed places that are beautiful, healthy, greener, enduring, and successful can be achieved and are to be read alongside the PPG on design process and tools.

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<sup>5</sup> Neighbourhood Planning Paragraph: 044 Reference ID: 41-044-20190509.

## 5. The Case for the Applicants

The material points are: -

- 4.35 The site is allocated for housing in the 2021<sup>6</sup> adopted LP that the AV community including BTC and MM Parish Council participated in. There is no "*strong reason*" why this development should not proceed.<sup>7</sup> On the contrary, there are strong reasons why permission should be granted without further delay so that the local community and those in housing need can benefit from the scheme.
- 5.1 This full application is informed by assessments conducted by the lpa in their plan making role<sup>8</sup> and the applicants in advancing the application. Submitted in 2020, the application underwent a collaborative consultation process before the lpa's September 2022 resolution to grant<sup>9</sup>, in accordance with officer advice<sup>10</sup>. Following the call-in, further assessments to update and test the application against latest policy and guidance have been undertaken. The applicants' case addresses the updated application materials (CD 3). BTC "*wholeheartedly welcomed*" the house designs with the new detailing.

### *Design*

- 5.2 Echoing Framework paragraph 127, LP Policy BUC043 sets out specific requirements for the 130 dwellings. These include development at "*a density that takes account of the adjacent settlement character and identity*", adopting "*a landscape led approach*" and the location of amenity land with a NEAP, LEAP, and sports pitches.
- 5.3 The DAS<sup>11</sup> includes, in line with Framework paragraph 128, a comprehensive consideration of the NDG and the NMDC, which were introduced after the original application was made<sup>12</sup>. Consistent with Framework paragraph 132, collaboration between the lpa and the applicants on the detail of the application is an example of the design process working well<sup>13</sup>. As evidenced in the DAS, the scheme performs well against each of the NDG/NMDC 10 characteristics and their components, which are all signposted using symbols.
- 5.4 The application is endorsed by 2 independent architects, as being entirely consistent with design policy at all levels (CDs 3.76 & 3.85). The lpa and applicants agree that the proposal would ensure the "*delivery of a high quality, beautiful and sustainable place which will complement its surroundings and provide a fitting addition to the local built environment*"<sup>14</sup>.

<sup>6</sup> CD 4.1 pages 132 to 370.

<sup>7</sup> CD 8.28 SoS letter of 8 September to all Council Leaders & Chief Executives.

<sup>8</sup> CD 4.29A Strategic Landscape & Visual Capacity Study, CD 3.80 pages 8-10 and CD 4.22 & CD 4.25 Buckingham Transport Strategy.

<sup>9</sup> CD 2.3.

<sup>10</sup> CD 2.1.

<sup>11</sup> CD 3.65.

<sup>12</sup> CD 3.65 page 9.

<sup>13</sup> Mr Tucker Evidence-in-Chief.

<sup>14</sup> CD 3.69 page 21 second bullet point under the heading "Environmental".

- 5.5 Regarding character, highlighted as a key characteristic, the DAS contains a detailed assessment of the local context, a character study of the town centre and the north-western arc of Buckingham (CD 3.65 pages 10 to 13 & 20 to 43). The applicants contrast the tightness of the town centre to the increasing role of landscape in the neighbourhoods beyond, with development set back along Moreton Road behind grass verges, hedges, and trees<sup>15</sup>. Also noted are materials including the varied colour of brick and brick detailing with limited render and some variety of roof pitches.
- 5.6 The above characteristics are echoed in the design of the proposed houses, which include a variety of orange, buff and red brick facades, decorative brick bands, corbels, corners, and sills and 3 types of roof tiles with differing roof pitches. Added chimneys reflect adjoining phases as well as the town centre properties. Rendered front projections add variety, interest, and character. Various windows styles are in grey or black. Varied brick walling, metal railing, picket fencing, hedges and other soft landscape provides front boundary treatment. These added details at the 2 key entrances also echo and integrate the development with adjoining phases as well as defining the private and public realm. Good quality private open space is provided with back-to-back gardens, which accords with NP Policy DHE6.
- 5.7 This 130-home scheme has 30 different designs, the details of which illustrate, visually attractive high-quality architecture, and a successful layout and landscaping (CDs 3.13 to 16). The refinements made since the application was first submitted in terms of variety, finishes and layout have been well received by the Ipa and BTC. The "*marginal gains*" proposed by the appellants results in "*major wins*."
- 5.8 The applicants' description of the proposal as outward facing, permeable, landscape rich and well-integrated, encapsulates the essence of the scheme<sup>16</sup>. In the southern part of the site, the homes are arranged in a variety of well organised perimeter blocks accessed around a well-defined central street running north south offering a primary route for all pedestrians, cyclists, and vehicles (CD 3.65 pages 86 & 90). Perspectives 3 and 4 illustrate these routes from either end, the arrangement of buildings and landscaping including street trees (CD 3.65 pages 88/89 & 96/97). Development edges facing the western boundary are staggered and varied facing onto a lane with a generous landscape buffer including new trees and retained and enhanced hedges (CD 3.65 pages 84 & 85 Perspective 1). Development facing the eastern boundary fronts onto shared surfaces beyond which is a retained treed hedgerow (CD 3.65 pages 52 & 53). The lane and shared surfaces offer further permeability. This is a coherent pattern of development which offers an attractive and distinctive development.
- 5.9 Phase 1 has a density of 38 dwellings per hectare (dph), Phase 2, 27 dph and Phase 3, the application, 30 dph excluding the northern field (CD 3.65 pages 38 & 39). Development along the central street is more tightly placed than the

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<sup>15</sup> Mr Tucker in his Evidence-in-Chief.

<sup>16</sup> Mr Tucker in his Evidence-in-Chief.

deliberately looser homes on the western edge hence the density is lower (CD 3.65 page 76). Together with the landscape buffer on the western boundary, an appropriate settlement edge can be provided.

- 5.10 Movement into and through the site is via 2 accesses to Shetland and Lincoln, which link to Moreton Road PROW BUC-33/1 (CD 3.80A page 3). A new footpath link to Bradfield Avenue to the south is proposed as well as another vehicle, pedestrian, and cycle access into the northern part of the site east of the sports pitches. All homes would have their own off-street parking. Homes would have outdoor access to rear gardens, and all can be conveniently serviced.
- 5.11 A Sustainability and Energy Statement Update<sup>17</sup> confirms that the homes would offer reduced energy use using air source heat pumps achieving at least a 31% reduction against Part L of the Building Regulations thus saving residents energy costs, estimated to be some £2,200 pa (CD 3.63). The homes would be efficient, resilient, and comply with LP Policy C3.
- 5.12 The proposal largely retains the hedgerow between the southern and northern fields through which 3 pathways to the recreational facilities would be created (CD 3.3). The LEAP, NEAP and BMX track are together and set in a carefully considered landscape (CD 3.80A pages 23 & 24). These facilities have been scored as excellent by RoSPA as the NP requires (CD 4.4 paragraph 8.9 & CD 3.90). That requirement must be seen in the context of NP Policy CLH2 which requires new developments to provide play provision based on the Fields in Trust standard of 2.4ha per 1000 persons. The applicants offer much more than NP Policy CLH2 requires and with the BMX track<sup>18</sup> and a shelter for teenagers, the offer is much more than LP Policy BUC043 (m) requires. The detailed design of the BMX track, as the S106 obligation makes clear, would be developed through consultation with the Ipa and BTC by a specialist contractor endorsed by RoSPA. As the Committee Report concluded all the recreational facilities would provide a valued facility for the local community and the pitches are particularly well placed to cater for the needs of the rugby club (CD 2.1 paragraphs 4.154 & 4.155).
- 5.13 The applicants acknowledge that supervision of the open space area is important, and it has not been ignored. These areas would be well used and the layout of the hoggin paths offers opportunity for activity and overlooking. Criticism of the landscape is ill-judged; the species of trees and soft landscaping would be entirely appropriate to its context and would not prevent surveillance of these spaces<sup>19</sup>. BTC's criticisms that the LEAP is not surrounded by housing misses the wider context as well as the site constraints. This development offers much more than a LEAP in terms of the recreational facilities. As the Parks and Recreation Officer concluded<sup>20</sup>, the sum of the

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<sup>18</sup> At BTC's request.

<sup>19</sup> Mr Morton Evidence-in-Chief.

<sup>20</sup> CD 9.22.

parts is all the stronger if combined into one destination. The Ipa<sup>21</sup> identifies that the facility offers a wide range of opportunities for all ages in one broad location and there would be a degree of interaction between all users. The LVIA identified the need for housing development not to be placed on the higher ground (CD 1.67). Thus, sensibly the housing is located south of the existing hedgerow in the well contained southern field.

- 5.14 The LEAP and NEAP would be adjacent to the 2 rugby pitches, which the rugby club anticipated and supported as long ago as 2014. The club continues to thrive and expand its offer to a wider range of the population including girls and women<sup>22</sup>. There is no reason to doubt that the club and the wider community would not use these pitches.
- 5.15 Overall, the scheme achieves a high quality of permeability throughout. It would be accessible to all and easy to move around.
- 5.16 The S106<sup>23</sup> Agreement makes provision for a process to ensure that the open space provision and facilities are provided properly and in a timely manner. The long-term management and maintenance of all these facilities is secured through commuted sum payments<sup>24</sup> estimated to equate to more than £632,000. Thus, as a resource these facilities would be “*made to last*” to echo the words in NDG.
- 5.17 The scheme would be nature rich. Some 6.59ha, 60% of the site, would be retained for landscape, recreation, and open space. The proposal includes 207 proposed trees and 362 linear metres of new native hedgerow planting, some of which would be along the main street and lane. New habitats of woodland and native structural mix planting are included.
- 5.18 Although this application preceded the Ipa’s Design SPD, the DAS shows how the design principles which underpin the proposal correspond to the design principles set out in the SPD and how the principles correspond to the NDG and NMDC (CD 3.65 pages 100 to 109). There is no evidence let alone any good reason to suggest the proposal is inconsistent with the SPD. The applicants and Ipa agree that the application is entirely consistent with all relevant design guidance including the SPD<sup>25</sup>.
- 5.19 There is compliance with LP design and density Policies BE2 and BE4, BUC043, Framework design policy and the scheme is consistent with the NDG, the NMDC and the Design SPD. The scheme achieves an effective use of land whilst offering significant benefits to the wider community. The development would create a place which is healthy, inclusive, and safe, promoting and supporting healthy lifestyles and social interaction across a variety of ages whilst adding significantly to the provision of open space and recreation entirely in accordance with Framework paragraphs 92, 98 and 100. This is a

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<sup>21</sup> Mr Deeley Evidence-in-Chief.

<sup>22</sup> Mr Welchman in Evidence-in-Chief.

<sup>23</sup> CD 3.67 Fourth Schedule.

<sup>24</sup> Defined as both a commuted sum and additional commuted sum.

<sup>25</sup> Evidence-in-Chief of Mr Tucker & Mr Deeley.

public benefit attracting significant weight in the planning balance. This development proposes significantly more open space than a 130-home scheme would normally be expected to provide; just because the NEAP, LEAP and sports pitches are enshrined in the LP allocation does not mean that this offer should be ignored.

#### *Landscape and Visual Impact*

- 5.20 The reason that permission was refused by the SoS in 2017 was not landscape related (CD 6.2). The choice of site allocations in the LP and the specific landscape related requirements in Policy BUC043 were informed by a landscape capacity exercise. The application is supported by an LVIA as LP Policy BUC043 (b) requires. In addition, a detailed hard and soft landscaping scheme is proposed, criteria (e). The Arboricultural Impact Assessment (AIA), criteria (d), includes a tree survey and tree protection plan (CD 1.68). All these measures can be secured by condition. The long-term management and maintenance of the landscape is provided for. The commuted sums would help to facilitate this in the north field, while a Management Company would manage the amenity areas around the housing to the south.
- 5.21 Neither the site nor its immediate landscape setting is valued for the purposes of Framework paragraph 174a. As the SoCG records and the landscape strategy plan shows (CD 3.49), the development provides a landscape led approach with generous landscaped buffers. No houses are proposed in the higher more sensitive northern field and the housing is contained in the southern lower field. Along the western boundary additional native planting is proposed. In the higher unbuilt part of the site, trees, meadow planting and woodland creation is proposed all of which it is agreed<sup>26</sup> would ensure the visual impacts of the development are satisfactorily mitigated. The limited loss of short spans of hedgerow to provide access and surveillance are more than compensated for. The natural environment is enhanced; there is compliance with NP Policy DHE1 on tree retention and with LP Policies NE8 and BUC043.

#### *Biodiversity Net Gain*

- 5.22 The site is not subject to any statutory or non-statutory ecological designations. The only important ecological features are the hedgerows. There is no evidence of protected species on site although trees offer nesting opportunities for birds and potential roosting for bats. Appropriate mitigation measures and safeguards would be secured via a Construction Environmental Management Plan (CEMP) during construction and a Landscape and Ecology Management Plan (LEMP) thereafter. A permanent wet pond is planned.
- 5.23 Framework paragraph 179 (b) requires a measurable BNG. The delayed legal requirements for a minimum 10% BNG set out in the Environment Act 2021 do not apply to this application. LP Policy NE1 calls for BNG and the BNG SPD requires that development proposals use the DEFRA Metric (CD 4.7). NP Policies DHE2, DHE4 and DHE5 seek ecological information, protection of

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<sup>26</sup> CD 3.69 paragraphs 6.17-6.18.

movement corridors and require landscape schemes to maximise benefits to biodiversity. The applicants<sup>27</sup> have assessed the latest plans against Metric 4 and calculate a 31.39% net gain in habitats and a 14.37% net gain in hedgerows. The landscape proposals include professional ecological inputs to ensure the best outcomes are achieved. Concerns expressed by residents challenging BNG and the metric are misplaced. Metrics cannot be directly compared<sup>28</sup>. Compliance with policy at all levels is achieved.

### *Heritage Impact*

- 5.24 To the north-west of the site lies the Grade 1 Stowe Registered Park and Garden (RPG), an area which also includes a CA which itself includes LBs and non-designated heritage assets. There is a CA in MM and Buckingham. In the previous call-in, concerned with an outline application for similarly sited development, the Inspector concluded<sup>29</sup> there would be no harm to the setting of these HAs, a conclusion with which the SoS agreed.
- 5.25 The Heritage proof-of-evidence<sup>30</sup> confirms this approach offering an assessment of the setting of the RPG, the MM CA assets, and the extent to which the setting contributes to their significance and the impact of the proposals on that significance. The proof also offers an assessment of the impact of the proposals on the setting of the listed church of St Peter and St Paul, a view of which would be seen from the main street (CD 3.15). The Heritage Assessment concludes that the proposal would have no impact and therefore no harm to the significance of any of these assets.
- 5.26 The Gardens Trust focused on the setting of the RPG, but after further information was provided<sup>31</sup> confirmed<sup>32</sup> that it had no objection.
- 5.27 The proposal complies with S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework and LP Policies BE1 and BE2. Regarding archaeology, an agreed condition is proposed.

### *Housing Land Supply*

- 5.28 As the HLS SoCG<sup>33</sup> explains, the HLS supply is assessed against the legacy AV HLS position, resulting in a 4.5-year supply, which the application site forms part of. The lack of supply results in the application of the "Tilted Balance" as set out in Framework paragraph 11 (d) (ii). The call-in has delayed the issuing of a permission on an allocated site in accordance with the lpa's 2022 resolution. As a small site, amongst much larger strategic allocations with long lead in times, it is a particularly valuable source of supply. Continued delay hinders the lpa's ability to return to a 5-year supply and avoid speculative applications.

<sup>27</sup> CD 3.61 A paragraph 5.1.2.

<sup>28</sup> CD 3.87.

<sup>29</sup> CD 6.2 Inspector's Report paragraphs 168-172 and SoS DL paragraph 30.

<sup>30</sup> CD 3.81.

<sup>31</sup> CD 1.79, CD 1.80 & CD 1.88 as detailed in paragraph 1.16 -118.

<sup>32</sup> CD 7.4.

<sup>33</sup> CD 3.86.



### *Flood Risk and Drainage*

- 5.29 A FRA Technical Update<sup>34</sup> confirms that the sequential testing that underpinned the LP allocation had regard to all sources of flood risk in accordance with Framework paragraph 161 so there is no need to apply it again (Framework paragraph 166). A site-specific FRA has been undertaken consistent with Framework paragraph 167 and Footnote 55. The entire site is in Flood Zone 1 and at low or very low flood risk from all other sources. The proposal includes SUDS systems, which secure the opportunity to manage and better control run-off consistent with Framework paragraph 161 (c). The runoff rate into the sewer system at Bradfield Avenue, a location where BTC reports incidences of surface water flooding, would be reduced from 23.66 litres per second (l/s) to 14l/s. A similar benefit (10.86 l/s to 9l/s) arises from the attenuation of water from the northern field into the adjoining eastern ditch which discharges into the adopted Moreton Road ditch. Moreton Road is where the Section 19 report<sup>35</sup> notes incidences of surface water flooding. Infiltration based techniques are proposed where appropriate, hence the use of permeable paving.
- 5.30 Anglian Water confirm network capacity for foul and SUDS drainage and there are no objections from the Local Lead Flood Authority (CDs 1.87, 9.51 & 9.46).
- 5.31 The northern field, including the sports pitches, would benefit from appropriate drainage as would the built area to the south where the SUDS pond also contributes to the amenity of the area. Since the 2022 resolution groundwater monitoring wells have been installed which confirm low groundwater levels<sup>36</sup>.
- 5.32 Compliance with the Framework, LP Policies BUC043 (i), (j) and (k), I4 and I5 and NP Policy I5 would be achieved. Delivery, management, and maintenance is secured via condition and the S106 obligation<sup>37</sup>. Far from aggravating off site surface water flooding this development offers an improvement.

### *Implications on the local highway network.*

- 5.33 The LP Examining Inspector noted, when assessing the disputed allocation Policy BUC-043<sup>38</sup>, "*The effects of the development on highways of this and other allocations in Buckingham have been assessed during the Inquiry into the called-in application<sup>39</sup> and in the County's Local Plan Modelling and in the Buckingham Transport Strategy and found to be acceptable subject to a number of infrastructure upgrades*".
- 5.34 Underpinning the strategic spatial strategy to include development at Buckingham is the Buckingham Transport Strategy<sup>40</sup> (BTS) commissioned to

<sup>34</sup> CD 3.62.

<sup>35</sup> CD4.24 pdf p51/78.

<sup>36</sup> CD 8.19.

<sup>37</sup> The sixth schedule requires a SUDS maintenance scheme to be agreed and a management company to be set up both prior to occupation.

<sup>38</sup> CD 4.2 paragraph 182.

<sup>39</sup> CD 6.2 IR paragraph 174 -176 with which the SoS agreed at paragraph 31 of his DL.

<sup>40</sup> The BTS is explained in the LP at paragraph 7.7-7.10 of CD 4.1. The BTS is found at CD 4.25 & a summary is at CD 4.26.

inform the LP. Additional modelling work was undertaken by Jacobs<sup>41</sup>. The Jacobs report list the 4 sites whose effect on 2 town centre junctions was assessed. These were, the application site, Policy BUC046, Site MM006, and Policy BUC051.

- 5.35 The Jacobs report contains guidance on the use of Ratio of Flow to Capacity (RFC) commonly used in the assessment of congestion at junctions. RFC considers the ratio of traffic volume to capacity for each turning movement. An RFC of below 0.85 is generally considered to represent a situation within capacity. An RFC of between 0.85 and 1 indicates a junction operating at close to its capacity. Finally, an RFC exceeding 1 indicates where the junction is over capacity<sup>42</sup>. Later<sup>43</sup> Jacobs advised, *"It should be noted within the modelling there is a disproportional increase in queues and delays on arms which exceed capacity RFC >1.00."*
- 5.36 LP paragraph 7.8 advises that the aim of the BTS is to propose measures that address the impacts of growth rather than the impact of each individual development. These assessments focused on the difference between transportation and traffic issues in 2013 and 2033. The BTS identified several measures to facilitate the growth aspirations at Buckingham and set out in LP Policy T3<sup>44</sup>. These include a left-hand turn slip at A422/A413/Stratford Road roundabout although this had already been identified at the time of the last called-in inquiry. One modification the LP examination recommended<sup>45</sup> was to make sure allocations identified the need for contributions to the BTS, now specified in the allocation as LP Policy BUC043 (I). LP Policy T1 confirms the commitment to assist in delivering any required improvements to the transportation network in Buckingham.
- 5.37 LP examination hearings were held in 2018 and 2021<sup>46</sup>. In 2018 the MM application was undetermined, and the site (MM006) was proposed for allocation in the submitted plan. By 2021, the MM outline application was the subject of a resolution to grant. Planning permission was granted in March 2022, after the LP Examining Inspector's report was published.<sup>47</sup> A challenge to this permission was dismissed by the High Court (HC) in November 2022<sup>48</sup>.
- 5.38 The Maids Morton and Foscoate Action Group (AG) resubmitted a 2018 traffic survey<sup>49</sup>, which it accepts was considered by the LP Examining Inspector and the lpa when it granted MM application<sup>50</sup>. The AG have used the call-in application as another opportunity to ventilate several points made to the LP Examining Inspector and the HC. This inquiry is examining the merits of the

<sup>41</sup> CD 7.10 page 23, Buckingham Additional Modelling report October 2020.

<sup>42</sup> CD 7.10 paragraph 2.4.

<sup>43</sup> CD 7.10 paragraph 2.5.

<sup>44</sup> CD 4.01 at page 230.

<sup>45</sup> CD 4.02 paragraph 182.

<sup>46</sup> CD 4.2 Note the dates on the front of the local plan Examining Inspector's report.

<sup>47</sup> CD 8.4E

<sup>48</sup> CD 8.8.

<sup>49</sup> CD 7.10.

<sup>50</sup> CD paragraph 5.15-5.69 cover traffic and §5.57-5.62 respond specifically to the Parish Council Survey of 2018.

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application before it and is not an opportunity to re-open matters already settled upon.

- 5.39 The only potential relevance of the above, is whether the TA has considered the MM outline planning permission as part of a cumulative assessment. Technical Note 2<sup>51</sup> did that, as did the updated TA, the Transport SoCG<sup>52</sup> (TSoCG) and the appellants' evidence. It is agreed that the residual cumulative impact would not be severe. However, the AG's final allegation is that the applicants' assessment of cumulative impact has failed to consider the possibility that traffic calming measures to facilitate the development at MM will be so successful that traffic heading for Milton Keynes would divert away from MM and instead go through the town centre. However, the AG acknowledged, whether such a scenario is likely is wholly unknown. Even if some traffic does, which is highly speculative, given the additional length of the journey, they would not need to reroute all the way down the full length of Moreton Road to the town centre; they could take another shorter route along Addington Road<sup>53</sup>.
- 5.40 In accordance with LP Policies T4 and T5, a TA was provided and to inform this inquiry an updated TA<sup>54</sup> was undertaken. These assessments focus on a 5-year horizon period which is why, as the TSoCG explains at paragraph 28, the updated TA roles forward the assessment from 2020 to 2025, 3 years on, to 2028. The updated TA does not alter the trip rates in the TA of 77 2-way trips in the AM peak and 59 in the PM peak adjusted for the Travel Plan (TP) as agreed<sup>55</sup> to 54 AM peak and 52 PM peak trips<sup>56</sup>, nor the distribution.<sup>57</sup> Here, 24% are expected to head north and 76% head south in AM peak and 20% north and 80% south in the PM peak. All this is agreed, Table A1 rows 7 and 8 of the TSoCG<sup>58</sup>. The adequacy of vehicular access across the main street, the lane to the west and the shared surfaces to the east, together with their ability to cater for refuse, servicing and emergency access is not disputed. Concerns about the narrowing of the existing roadway in places through Phase 1 are misplaced<sup>59</sup>. As far as they slow traffic down, this leads to drivers giving and taking.
- 5.41 Pedestrian access into the site would be available from Moreton Road via Whitehead Way and then Shetland and Lincoln<sup>60</sup>, which also link into the wider public right of way network. There would be a new pedestrian access to Bradfield Avenue and 3 further pedestrian routes linking the development to the northern public open space area. From there, pedestrian access to the footpath network could be gained.

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<sup>51</sup> CD 1.88.

<sup>52</sup> CD 3.71 paragraph 10.

<sup>53</sup> CD 7.9 pages 4 which Mrs Howard dealt with in her EiC.

<sup>54</sup> CD 3.64.

<sup>55</sup> CD 3.71 paragraphs 39-40.

<sup>56</sup> TA 2020 CD 1.62, page 59.

<sup>57</sup> TA 2020 CD 1.62, page 55 paragraph 5.4.2.

<sup>58</sup> CD 3.71 page 14.

<sup>59</sup> CD 3.64 UTA paragraphs 4.2.6-4.2.10.

<sup>60</sup> WSP APP SCH1 figure 1.

- 5.42 Off-site improvements to walking, cycling and bus infrastructure are secured via the S106 obligation<sup>61</sup> in accordance with LP Policy BUC043. The cycling provisions including signage, combined cycleway/pedestrian crossing and cycle parking in the town centre. This is all part of the town wide cycling strategy identified in the BTS. The S106 Agreement makes provision for a Highway Works Delivery Plan, a S278 highway works agreement, the provision of a bond or cash deposit and commuted sums for the maintenance of the adoptable highways. The SoS need have no concern that these works<sup>62</sup> would not be secured.
- 5.43 The steepness of Moreton Road is exaggerated. At its maximum, the gradient is 4.7% over 387m<sup>63</sup>, within the maximum 5% set out in Manual for Streets (CD 8.11 paragraph 6.4.11 page 72). The site is within 1.6km of 5 primary schools, within cycling distance of secondary schools and school buses are available from the Moreton Road bus stops. The town centre is a 12 to 14-minute walk, which provides a full range of facilities and more frequent bus services including peak hour services to Milton Keynes every 30 minutes. Whilst this is beyond the recommended maximum distance, the route is safe, well lit, direct, and overlooked.
- 5.44 The S106 obligation governing the MM outline permission requires a £340,000 contribution to the BTS<sup>64</sup>. LP Policy BUC046 which relates to 420 homes also requires the development to contribute to the BTS. The delays associated with bringing forward the MM site and indeed the application site mean these contributions have not yet been secured by the lpa.
- 5.45 The updated TA considers the levels of traffic and congestion at 2 junctions in the town centre, one at the end of Moreton Road where it meets Market Square and Stratford Road (Old Goal Roundabout) and the other to the south-west where Bridge Street, West Street and Market Square converge. The TSoCG demonstrates that at the 2020 validation date, the RFCs in Scenario 1 exceed 0.85 and by 2028, absent either the MM site or the application site they would show RFCs in excess of 1 in the AM and PM peaks. This is what leads both BTC and the AG to urge that no more housing should be permitted. However, this does not reflect the situation on the ground.
- 5.46 The LP policies, assessed via the LP examination process explored these issues, and shows that the planned strategic growth in Buckingham has not ignored traffic congestion. As set out in LP Policy T3, the BTS identifies a holistic strategy to mitigate traffic congestion. Delivery of the BTS, which LP Policy T1 commits to, relies in part upon the new planned developments coming forward so that each can make the appropriate and necessary contributions to secure delivery of the BTS.

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<sup>61</sup> See definition of highways works on pages 15-18 and the ninth schedule.

<sup>62</sup> UTA Appendix G at the end of CD3.64

<sup>63</sup> Table 8.2 WSP POE page 53 of 79.

<sup>64</sup> CD 8.05A.

- 5.47 Neither BTC nor the AG fully grasp that delivery of permitted and allocated sites will help to secure the BTS, removing through traffic from the town centre, mitigating existing traffic congestion and offsetting new movements. This would be even more important were levels to reach that predicted in the “*without development in 2028 scenario*”, setting aside for one moment the applicants’ justified scepticism as to whether these levels of congestion will in fact materialise and to the extent indicated<sup>65</sup>. The applicants’ professional judgement is that the Ipa’s approach of applying Temprow 7.2 growth figures since 2020, year on year through the time of the pandemic, is unrealistic. On top of the use of Temprow, the MM figures are taken from its TA. Thus, there is growth on growth. TSoCG Technical Note 4, Appendix A, Scenario 2, strips out 3 years of Temprow growth in the Covid period (CD 3.71). Contrary to the projections of the MM TA, instead of assuming that 25% of the MM trips will go through the town centre, the updated TA exercise considers that 60% of all MM trips will travel through the town centre via Moreton Road in both scenarios. The figures used are very robust.
- 5.48 The SoS does not need to reach any conclusion on which Scenario to use or whether the applicants are right or not. What must be borne in mind is that the exercise of testing congestion at the junctions disregards entirely the effect of the BTS. The assessment disregards both the upgrade of the A421 and A413 to dualling and the left turn slip facility, both designed to draw through traffic away from the town centre. The reported anecdotal dismissal of this scheme by a Councillor and BTC because there is no queuing at the junction and traffic is already signposted away from the town centre is not to be preferred over the detailed work undertaken for the BTS, tested at the LP Examination, enshrined in LP Policy T3, and supported by the highway authority. The existing signage is too close to the roundabout, whereas the proposed scheme is designed to force earlier decision making and to steer traffic into a dedicated left-hand filter. All of this can be achieved within the public highway (CD 3.79A Appendix SCH8). Moreover, this proposal is not new, it was before the SoS and accepted at the last call-in<sup>66</sup>.
- 5.49 The LP allocation Policy BUC043 stipulates in criteria (I) the payment of a financial contribution towards the BTS, and a payment of £260,000 is secured through the S106 Agreement.
- The extent to which the proposed development is consistent with the development plan for the area.*
- 5.50 Despite some differences, it is agreed that overall, the proposal complies with the development plan for the purposes of Section 38(6).
- 5.51 The NP was made in 2015 when there were no current strategic policies. Although it made allocations and provision for 615 new homes plus a reserve site of 300 homes, it confined them to within an identified settlement

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<sup>65</sup> Mrs Howard Evidence-in-Chief.

<sup>66</sup> CD 6.2 IR paragraphs 174-176 & SoS DL paragraph 31.

boundary, NP Policy HP1. As the LP explains<sup>67</sup> in strategic settlements of which Buckingham is one, due to the overall housing required across AV, more sites were allocated to achieve the strategic spatial objective of LP Policy S2, which requires growth of 2,117 homes in Buckingham. Thus, it is no accident that the housing figures in the LP for Buckingham differ from those in the NP. The figure of 2,117 homes<sup>68</sup> includes the land already allocated in the NP and required in LP Policy S3. However, the local policies map does not include made NP proposals and designations<sup>69</sup>. In this sense, there is no inconsistency between the development plans. Thus, it is perfectly plausible for the SoS to reach a different planning judgment to the one reached in 2017<sup>70</sup>, as to whether the application is in breach of NP Policy HP1. Even if it were, applying S38(5), the policies in the LP prevail.

- 5.52 The relationship between made NPs and the LP is explained at LP paragraphs 3.69 to 3.74. This confirms that where there is a conflict this must be resolved in favour of the LP unless the LP specifically requires otherwise. The LP states that policies which require a minimum amount i.e., AH provision is not in conflict with NP policies that require more than the minimum.
- 5.53 This application complies with all AH development plan policies and in doing so provides a higher proportion of AH than other LP strategic allocations that fall outside of made NP areas. It is agreed that this is a significant benefit.<sup>71</sup>
- 5.54 The application accords with all the relevant strategic policies<sup>72</sup>.
- 5.55 The mix of 84 open market (OM) and 46 AH, is agreed to accord with LP Policy H6a. In addition, the proposals offer the opportunity for 4 serviced plots of land for custom/self-build homes, which will contribute to the achievement of LP Policy H5. The AH and custom/self-build are secured via the S106<sup>73</sup>.
- 5.56 A total of 323 car parking spaces are provided in accordance with LP Policy T6 and the standards in Appendix B Table 1. All of them are 5m in length, but 52 are only 2.5m wide and not the 2.8m in Table 6 of LP Appendix B. Nonetheless it is accepted that they are all capable of use<sup>74</sup>.
- 5.57 Agreed education contributions of £1,558.119<sup>75</sup>, for primary schools in MM and Buckingham and Buckingham secondary school is secured by the S106 Agreement.
- 5.58 There is only one payment in the S106 obligation not agreed, but which the lpa seeks and that relates to the Sports and Leisure contributions which totals

<sup>67</sup> Paragraph 1.20.

<sup>68</sup> LP page 38 Table 2

<sup>69</sup> LP 1.21.

<sup>70</sup> CD 6.2 SoS DL paragraphs 16-18.

<sup>71</sup> CD 3.69, paragraph 6.13.

<sup>72</sup> SoCG at 6.1 refers to S1, S2 S3, D2 & BUC043.

<sup>73</sup> Third and Tenth Schedules.

<sup>74</sup> X-Examination of Mrs Hewitt-Jones.

<sup>75</sup> As a detailed application with known house sizes the sums can be calculated now.

£405,261. According to the CIL R122 compliance schedule<sup>76</sup>, this sum is *necessary* to contribute to the design of the development, *related* because the landscaping, open space and play/sports facilities are an integral to the design and is *fair and reasonable*. The Schedule reads as if this sum is all to be spent on the facilities to be provided on site. But that is wholly wrong. These sums are already provided for in the definition of commuted and additional commuted sums of £327,604 and £304,911 respectively in the obligation. These relate to the long-term management of all that is provided on site. The commuted and additional commuted sums have nothing to do with the £405,261. The applicants are paying these more significant sums because of the substantial amount of public open space and recreational/sports pitches being provided.

- 5.59 There is no possible justification for requiring even more money for sports and leisure facilities. The £405,261 sum is calculated not by any reference to what the applicants are providing on site<sup>77</sup>. Instead, it is based on the application of a 2004 SPG and its associated RR updated, in relation to costs, in 2022<sup>78</sup>. Whatever development plan policy that underpinned the SPG has long gone. Despite the LP indicating that a new Open Space, Sports, Leisure, and Cultural Facilities SPD would be produced, this has not happened. The mechanistic approach of applying the RR is not compliant with R122. This is more so here, given what is provided which is significantly more than 130 homes warrants, when judged against any objective standard<sup>79</sup>.
- 5.60 The RR itself bears no relationship to any unevidenced costed deficits in provision in Buckingham in 2023. The deduction in the contribution of £125,881<sup>80</sup> bears no relationship whatsoever to the significant on-site provision, including the significant commuted sums, in this instance. The % approach allocated to each facility to inform a reduction for on-site provision bears absolutely no relationship to the onsite provision.
- 5.61 There is no evidence on which to judge that the payment of the Sports and Leisure contribution is necessary, directly related to the development, or fairly and reasonable related in scale and kind to the development. The requirement is not compliant with CIL R122 and Framework paragraph 57. The SoS is invited to clearly identify this so that there is no doubt that the Blue Pencil clause should be invoked so the applicants are not obliged to pay this sum and in accordance with R122 (2) should not be considered in the SoS's decision.

#### *Overall Planning Balance and Conclusion*

- 5.62 There are no good reasons to withhold permission. Overall, the proposal accords with the development plan and permission ought to be approved

<sup>76</sup> CD3.68.

<sup>77</sup> CD4.18.

<sup>78</sup> Mr Morton EIC confirmed applying this measure of 24.7 m2 of OS per resident only 0.79ha of OS would be required whereas we provide 6.59ha, an exceedance of 5.85ha.

<sup>79</sup> Aspect Landscape indicated there was a significant exceedance of GI.

<sup>80</sup> CD 9.55 Parks & Leisure email dated 24/1/2023.

without delay. That said, there is an added imperative. There is no 5-year HLS, so the "Tilted Balance" applies. In this context it is more important that the delivery of OM and AH is achieved, and significant positive weight should be given to both these elements. In addition, the quantum and quality of all the various components of open space should also be given significant positive weight in the overall planning balance. The extent of BNG and the reduced green field run off rates are further modest benefits of the scheme. Set against this, the applicants concede that there would be some localised limited harm from developing this green field site. However, that is the product of the allocation. All parties agree the proposal is landscape led and whilst the Ipa has afforded this factor neutral weight in the planning balance, the applicants suggest that limited localised landscape harm would arise. What is abundantly clear is this; on a simple planning balance the benefits of granting permission clearly and conclusively outweigh the limited harm. Applying the "Tilted Balance" results in the same answer; permission should be granted.



## 6 The Case for Buckinghamshire Council

The material points are:

- 6.1 The report to the Strategic Planning Committee notes that, the application site is *"...critical to the spatial strategy of the VALP, relevant to the Council's wider strategic development, and crucial to the implementation of an adopted local plan."* (CD 2.1 paragraph 1.2). Moreover, the site is one of the few LP allocated sites, that the lpa thought could come forward soon after the plan's adoption, helping to maintain a 5-year HLS. The lpa cannot show a 5-year HLS, with the 2023 to 2028 HLS for AV agreed at 4.5-years (CD 3.71). Given the application for this site is made in full, swift delivery is important in enabling the lpa to return to a 5-Year HLS position. The application is consistent with the development plan as a whole and the planning balance is clearly in favour of approval.

*The extent to which the proposed scheme is consistent with Government policies for achieving well-designed places, set out in Framework Chapter 12*

- 6.2 Design matters formed the focus of the SoS decision to call-in the application. Greg Smith MP's letter to the SoS requesting consideration of a call-in identified the design of the scheme as a matter that both he, and BTC, considered had not been properly considered by the lpa.
- 6.3 The extent of scrutiny of the design of the scheme by the lpa throughout the pre-application and application process and the changes made to the scheme show that this concern is unfounded. The Officer's Report<sup>81</sup> presented a comprehensive and appropriate consideration of the scheme design and concluded that the development of the site would, *"...achieve a high quality, beautiful and sustainable place and a sympathetic and fitting addition to the built form and settlement pattern in this location."* The lpa's independent Design witness highlighted the collaboration between the lpa and the applicants resulting in the suite of amended plans (CD 3). Although the amendments are relatively minor in their significance, they are quite positive in their contribution to the quality of the scheme and did not change the conclusion on the quality of the proposal and consistency with design policies. Beyond a few points of detail about the location of the play space, the transition between the development and adjacent fields on the western boundary and the absence of a desired community building, BTC<sup>82</sup> confirmed that, having seen the updated plans, it *"wholeheartedly"* supported the design.
- 6.4 The lpa assessed the scheme by reference to: LP design Policies BUC043, BE2 and BE4 (CD 3.85 paragraphs 7.1 to 7.6), NP design Policies DHE1 and DHE 6 (CD 3.85 paragraph 7.7), Framework Section 12 (CD 3.85 paragraphs 8 to 15.1 pages 12 to 17), the NDG and NMDC, particularly the 10 characteristics (CD 3.85 paragraphs 16 to 27), and the Design SPD (CD 3.85 paragraphs 28 to 28.3). The conclusion was that the outcome was uniformly positive.

<sup>81</sup> CD 2.1 Paragraph 4.112.

<sup>82</sup> Ms McElligott, Clerk to the Planning Committee, BTC.

- 6.5 Reference<sup>83</sup> was made to the NDG characteristics of Context and Built Form. On Context, given the comprehensive analysis in the DAS, the scheme has a coherent legibility with clear points of access and navigation routes, good positioning in relation to other facilities, and a human scale and massing that is consistent with the local context (CD 3.65). Images of Buckingham Town Centre and the street perspectives are an example of the successful translation of the local context (CD 3.65 pages 20 & 21, CDs 3.13 to 3.16).
- 6.6 On Built Form, the scheme has a coherent pattern of development and layout with a well-structured, clear spine route and interesting house designs where parking, back gardens and servicing have all been dealt with well. The scheme's prioritisation of green space having regard to the NDG Nature characteristic is welcome. There is excellent access to green space and high quality and generous public spaces. There is a good mix and integration of uses within the scheme and a variety of types of home and tenure. In response to a question from the Inspector about the design and location of AHs, the lpa's design expert struggled to tell the difference between the affordable and market dwellings. This is a strong indication that AH has been well integrated into the development.
- 6.7 The lpa responded to concerns raised by BTC about the location of the play space, the lack of a community building and the transition between the rural area and the development. The location of the LEAP and NEAP alongside the rugby pitches is a positive aspect of the scheme providing the opportunity for all family members to be in the same space. Regarding the absence of a community building, it would be unusual for a scheme of this size to include a community building. In any event, community events tend to take place in existing buildings in the local area. In design terms, the transition between the rural area and the built development is managed effectively with an organic building line and landscape buffer at the western boundary.
- 6.8 The scheme is well designed and is consistent with the objectives of the development plan and national policy.

*The Implications for the Local Highway Network*

- 6.9 The TSoCG records the detailed consideration made by the lpa of the transport and traffic impacts of this proposal both at pre-application stage and during the application process (CD 3.70).
- 6.10 The lpa is satisfied that the assessment of the traffic impacts of the proposal takes full account of the MM consent and that it appropriately considers the anticipated growth in trips through MM as well as along Moreton Road, at the Old Gaol roundabout and into the town centre to 2028 (CDs 1.62 & 3.64).
- 6.11 As to the potential for traffic to route through MM and along College Farm Road/Mill Lane, the lpa agrees with the applicants that there could be up to 6 vehicle trips leaving the site in the AM peak that may wish to route through

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<sup>83</sup> MR Deeley, Evidence-in-Chief,

MM to access the A422 and in the PM peak, up to 3 trips could make the return to the site. The lpa agrees with the applicants that these trips are insignificant in traffic impact terms and their impact would not be severe.

- 6.12 The lpa agrees with the applicants that the 2 town-centre roundabouts, the Old Gaol roundabout, and the Market Square/Bridge Street/West St roundabout, would experience a negligible scale of impact and increase in journey times because of the proposal and that the residual cumulative impact would not be severe in the context of Framework paragraph 111.
- 6.13 The applicants' modelled scenarios of the traffic impacts of the development do not take account of the BTS, the aim of which is to deter through traffic through the town centre. LP paragraph 7.8 explains that the growth aspirations are "*...likely to have an impact on transport requirements in Buckingham; and may therefore necessitate a number of improvements in/around the town*" and that "*...the aim of the BTS is to consider these growth aspirations holistically and propose measures that address their impacts as a whole, rather than the impact of each individual development and support schemes contained in VALP.*" As the TSoCG explains, the BTS sets out the approach to dealing with traffic congestion on the town centre network, including at the assessed junctions in the TA. The BTS mitigation strategy and LP Policy T3 includes essential infrastructure to facilitate allocated developments such as the application site. These are focused on removing trips with an origin and destination either through or around Buckingham from the town centre. The TSoCG further explains that the reduction in through-traffic resulting from the BTS will improve town centre conditions by reducing the current demand and RFC at the junctions, which would create junction capacity that can then accommodate trips generated by the committed and proposed developments.
- 6.14 The mitigation measures for the development are summarised in the TSoCG. They include, as set out in Policy BUC043 criterion, contributions towards elements of the BTS as set out in Policy T3. Such contributions would address the impact of the growth of Buckingham in a holistic manner.
- 6.15 The AG, focussed on the impact of the MM LP allocation. As background, this site is allocated in the LP for 170 homes following, as the Examining Inspector put it, an examination of the proposed allocation "*...at considerable length and in considerable detail*"<sup>84</sup> (MMO006).
- 6.16 The MM site was granted outline consent<sup>85</sup> in March 2022 subject to a S106 obligation<sup>86</sup>. A reserved matters application has been made and is the subject of a resolution to approve which included an extensive consideration of the highway impacts of the scheme and the proposed mitigation package<sup>87</sup>. That mitigation package, secured through the S106 Agreement, includes,

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<sup>84</sup> CD 4.2 paragraph 241.

<sup>85</sup> CD 8.4

<sup>86</sup> CD 8.6.

<sup>87</sup> CD 8.6 paragraphs 5.19 to 5.69).

- a financial contribution towards the BTS,
- lining and signing works on the A422 Stratford Road<sup>88</sup>,
- traffic calming works to the north-western end of College Farm Road at its junction with Church Street<sup>89</sup>,
- lane markings on Moreton Road on the approach to the Old Gaol roundabout, as is also proposed in this application<sup>90</sup>, and
- a monitoring and manage strategy for one-year after full occupation to review conditions at the College Farm Road/A422 Stratford Road junction to assess whether the development traffic is having a severe adverse impact on conditions at the junction and whether any further mitigation is necessary<sup>91</sup>.

- 6.17 The Committee Report also includes an analysis of the 2018 traffic survey that the AG has resubmitted and records that the applicants produced a technical note and further assessments to respond to that survey (CDs 7.15 and 7.16). The lpa reviewed this additional work and was satisfied that the "*...information contained within the report provided by the Parish Council does not alter previous recommendations.*".
- 6.18 A 2022 Post Committee/S106 report was produced for the MM application prior to consent being granted. This included updates since the Committee's consideration, consideration of additional comments received since the original report and a consideration of whether the matter needed to be reported back to Committee (CD 8.7). That document also further considered the highways impact of the scheme having regard to the LP Examining Inspector's report and further submissions made by the public (CD 8.7 paragraph 3.17).
- 6.19 The grant of consent was the subject of an unsuccessful HC challenge<sup>92</sup> in November 2022. Part of that unsuccessful challenge focussed on how the lpa dealt with consideration of traffic mitigation measures on College Farm Road/Mill Lane and specifically whether they should have been reported back to the Committee. The HC found no fault with the lpa's approach (CD 8.8 paragraphs 108 to 112). In particular, the alleged inconsistency by the lpa in assessing the impact on College Farm Road/Mill Lane regarding on the one hand deterring and on the other facilitating traffic, about, which the AG referred to in submission to this inquiry<sup>93</sup>, was considered by the HC and rejected (CD 8.8 paragraphs 111 and 112).
- 6.20 The merits of the MM development have been considered in detail in the past through the LP Examination, the application and, in terms of the lawfulness of the consent, by the HC. Permission has been granted and its lawfulness is not in doubt. There is no justification for reopening the merits of MM consent when determining this application.

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<sup>88</sup> CD 8.06 paragraph 5.38 & CD 8.5 Appendix H Part 3 page 110.

<sup>89</sup> CD 8.06 paragraph 5.39 & CD 8.5 Appendix H Part 3 page 110.

<sup>90</sup> CD 8.06 paragraph 5.48 & CD 8.5 Appendix H Part 3 page 110.

<sup>91</sup> CD 8.06 page 16 & See CD 8.5 Schedule 8 Part IV in Part 2 page 57.

<sup>92</sup> Patrick Hardcastle v Buckinghamshire Council [2022] EWHC 2905 (Admin).

<sup>93</sup> Submissions by Mr Mallett on behalf of the AG.

- 6.21 The proposal is acceptable in transport and highway terms and is compliant with the Framework and the LP.

*Landscape and Visual Impact*

- 6.22 Given this is a greenfield site, development would, inevitably, result in landscape and visual impacts. However, these impacts would be limited and satisfactorily addressed by the approach set out in Policy BUC043. The landscape led approach required by the LP has resulted in acceptable mitigation and the application accords with LP Policy NE4, and Framework policy.<sup>94</sup> Any adverse landscape impact of the scheme is a consequence of the LP allocation and lpa attributes neutral weight to the landscape and visual impacts on this basis.<sup>95</sup>

*Heritage*

- 6.23 The Heritage Officer raises no objection to the application.<sup>96</sup> Moreover, when considering the 2017 call-in application, the SoS, agreeing with the Inspector, concluded, that there would be "...no harm to the setting and hence significance of these designated heritage assets..."<sup>97</sup>. The lpa, in agreement with the applicants and consistent with the SoS's views in 2017, submits that the proposal would cause no harm to the significance of designated HAs.

*Biodiversity Net Gain*

- 6.24 The application is supported by a 2021 Preliminary Ecological Appraisal and a 2023 updated assessment, which confirms that the status of features present on site remains as it was in 2021. The Council's Ecologist considers the reports accurately reflects the species and habitats present on site and is satisfied with them. Species-specific enhancements and mitigation measures would be secured by condition, a Construction Environmental Management Plan, and a lighting strategy (CD 9.30).
- 6.25 The applicants' BNG report was updated in September 2023 using DEFRA Metric 4.0 rather than Metric 2.0. The applicants' explained, that the metrics work on different bases, but the outcome of the BNG assessment is a good ecological result regardless of which metric is used.<sup>98</sup> In accordance with LP Policy NE1(c), the scheme would deliver a measurable gain. The measures detailed in the BNG report and accompanying site plan would be secured by a Landscape and Ecological Management Plan.<sup>99</sup>

*Flood Risk*

- 6.26 Following receipt of the FRA (CD 3.62), the Local Lead Flood Authority (LLFA) reviewed the information and raised no objection to the development subject

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<sup>94</sup> CD 3.82 paragraphs. 4.19 to 4.23.

<sup>95</sup> CD 3.82 paragraph 4.23.

<sup>96</sup> CD 9.13 & CD 3.82 paragraph 4.34.

<sup>97</sup> CD 6.2 paragraph 30 & CD 3.82 paragraphs 4.32 to 4.37.

<sup>98</sup> Dr Simpson Evidence-in-Chief and in response to question from Inspector.

<sup>99</sup> CD 3.82 paragraphs 4.38 to 4.42.

to appropriate planning conditions. The Committee Report concluded that the proposal would make appropriate provision for drainage and would secure measures to avoid/improve flood risk and not result in increased flood risk elsewhere. The 2023 Technical Update does not alter this conclusion and the scheme would, subject to conditions, satisfy national policy and guidance and LP Policies BUC043, I4, and I5<sup>100</sup>.

### *Housing Land Supply*

- 6.27 As of September 2023, for the AV area, the HLS stands at 4.5-years for the period 2023-2028. Thus, the provisions of Framework paragraph 11(d)(ii) are engaged<sup>101</sup> and the "Tilted Balance" applies. Should the SoS refuse permission for the application or permission is the subject of further delays the 5-year supply will be further negatively impacted<sup>102</sup>
- 6.28 The lpa's assessment of a 5-year HLS based on the former AV administrative area is queried<sup>103</sup>, suggesting that it should have been undertaken based on the lpa area taken as a whole. The lpa's approach is consistent with PPG<sup>104</sup>, on calculating the 5-year HLS in new local authorities resulting from reorganisation. PPG says that planning policies adopted by predecessor authorities will remain part of the development plan for their area upon reorganisation until replaced or until the fifth anniversary of reorganisation. The LP policies have not been replaced yet and the Council was constituted in 2020. Thus, the 5-year anniversary has not yet passed. PPG states that strategic housing requirement policies can continue to be used as the housing requirement for calculating supply where they are less than 5 years old or older but have been reviewed and found not to need updating. The former situation arises here in that the LP was adopted in 2021. It is appropriate to rely on the Position Statement.<sup>105</sup>

### *Consistency with the Development Plan and Planning Balance*

- 6.29 The lpa identifies conflict with 2 development plan policies, NP Policy HP1 and partial conflict with LP Policy T6. The lpa affords neutral weight<sup>106</sup> to the conflict with NP Policy HP1. The more up-to-date LP allocation policy for this site must take precedence in accordance with S38(5) TCPA 1990<sup>107</sup> and is the approach the SoS took in the 2017 call-in decision.<sup>108</sup> Although the applicants submit there is no conflict with NP Policy HP1<sup>109</sup>, there is no real practical difference between the lpa and applicants' position on this matter, given the neutral weight that the lpa affords to the conflict in the planning balance.

<sup>100</sup> CD 2.1 paragraph 5.137 & CD 3.82 paragraph 4.66.

<sup>101</sup> CD3.71 Housing Land Supply SoCG, paragraph 2.2.

<sup>102</sup> CD 3.71 Housing Land Supply SoCG, paragraph 2.4.

<sup>103</sup> CD 7.14.

<sup>104</sup> PPG Housing Supply and Delivery, paragraph 025 Reference ID: 68-025-20190722.

<sup>105</sup> CD3.86 paragraph 3.2 Table 1.

<sup>106</sup> CD 3.82 paragraph 5.11.

<sup>107</sup> CD 3.82 paragraphs 3.2 to 3.13.

<sup>108</sup> CD 6.2 Decision Letter paragraph 18.

<sup>109</sup> Mr Welchman Evidence-in-Chief.

- 6.30 As to the partial conflict with LP Policy T6, the lpa affords this limited negative weight.<sup>110</sup> Fifty-two car parking spaces measure 2.5m wide by 5m long and do not meet the LP Policy T6 and Appendix B requirement of being 2.8m wide x 5m long. LP Appendix B paragraph 6.2 says that spaces smaller than this size will no longer be considered as a usable parking space. Whilst the lpa recognises that in practical terms the spaces would still be capable of use, it attaches some negative weight to the conflict.<sup>111</sup>
- 6.31 As to benefits of the scheme, there is limited divergence between the lpa and the applicants. The applicants identify the provision of wet rooms in ground floor M4(3) maisonettes as a “*policy plus*” feature of the scheme<sup>112</sup>. The lpa recognise this as simply a requirement of M4(3) in the Building Regulations and not a feature that attracts positive weight.
- 6.32 The lpa and the applicants identify that the provision of 35% AH is a positive aspect of the scheme. The lpa views this as a significant benefit whereas applicants view it as a very significant benefit. The limited difference stems from the applicants’ view that the NP Policy HP5 requirement of 35% AH is inconsistent with LP Policy H1, which requires a minimum of 25%. The conclusion of the Committee Report<sup>113</sup> and the LP Inspector<sup>114</sup>, is these policies are consistent, given that the LP refers to a “*minimum*” requirement.
- 6.33 On green space, the lpa accepts that the scheme delivers a greater quantum of space than that required by the development plan.<sup>115</sup> However, this attracts limited positive weight on the basis that the provision is largely a function of the landscape-led requirement of LP Policy BUC043 and the need for the northern field and western boundary to provide an appropriate transition between the development and the wider rural area.<sup>116</sup>
- 6.34 The lpa agrees that the application is in accordance with the development plan as a whole<sup>117</sup>. Applying the Tilted Balance, the limited adverse impact of the proposal in respect of parking bay sizes would not significantly and demonstrably outweigh the significant benefits provided by the scheme.
- Whether adequate provision would be secured to provide for additional facilities, including transport, education, community facilities, and open space arising from the development.*
- 6.35 Most of the S106 provisions and financial contributions are agreed except for a contribution of £405,261 for Sports and Leisure (CDs 3.67 & 3.68). The applicants’ position is that they have provided what is required of them by the

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<sup>110</sup> CD 3.82 paragraphs 5.11 & 5.13.

<sup>111</sup> Mrs Hewitt-Jones Evidence-in-Chief.

<sup>112</sup> Mr Welchman Evidence-in-Chief & CD 3.74 paragraph. 3.30.

<sup>113</sup> CD 2.01 paragraph 4.17.

<sup>114</sup> CD 4.02, paragraph 271.

<sup>115</sup> CD2.01 paragraph. 4.156. LP Policy I1 requirement of a minimum of 2ha per 1000 people and the NP Policy CLH2 requirement of 2.43ha per 1000 people.

<sup>116</sup> Mrs Hewitt-Jones Evidence-in-Chief.

<sup>117</sup> CD 3.69 Planning SoCG paragraph 6.5.

LP in terms of open space on site and as such should not be subject to this contribution at all or in the alternative that the applicants have not being given sufficient discount or credit for the on-site provision. Thus, the contribution does not comply with the provisions of CIL R122 particularly that it is not fairly and reasonably related in scale and kind to the development.

- 6.36 LP Policy BUC043 criterion m requires the provision of sports pitches, a LEAP and NEAP (CD 4.1). The policy does not state that this is the only contribution towards sports and recreation provision in the area that the development will be required to make to comply with the LP. LP Policy I2 states that new housing development of more than 10 units will be required to meet the standards in LP Appendix D to secure adequate provision of sports and recreation facilities. LP Appendix D.2 states that the standards are simply the starting point for calculating the requirement and for off-site contributions, the precise contribution/obligation will be “...*negotiated on a case-by-case basis*...”. A formula for calculation will be set out in the Open Space, Sports, Leisure and Cultural Facilities SPD (CD 4.18). There is therefore no fixed requirement in the LP for sports and recreation facilities thus the applicants have not exceeded a policy requirement.
- 6.37 The supporting text, paragraph 11.25, to LP Policy I2 refers to a new Open Space, Sports, Leisure and Cultural Facilities SPD and new RR being produced. These would provide further detail on how LP Policy I2 will be implemented and to provide advice regarding onsite and off-site provision. The lpa acknowledges that a new SPD or RR has not been produced. The Sports and Leisure Facilities Companion Document – Ready Reckoner Update 2022 says at paragraph 0.4, a new RR or an alternative mechanism will be produced to support a new Local Plan for Buckinghamshire (CD 4.19). Until then the lpa will continue to use the 2004 document with the Update to calculate contributions towards off-site facilities in S106 Agreements (CD 4.18 & 19). This process remains a transparent and consistent means to assess required contributions based on the population of a new development and the types of facilities required in the AV area. Whilst the applicants dispute the use of these documents, they do not suggest any alternative suitable mechanism for calculating an appropriate contribution.
- 6.38 The RR requires a contribution per dwelling based on size with a proportionate reduction to the overall contribution where on-site facilities are provided (CD 4.18, Table 1 page 6). The basis for the reduction is to take account of the public open space, playing pitches and equipped play facilities being provided and involves attributing a % to each facility by dividing the total cost of providing a specific facility within AV by the total cost of providing all facilities within the Vale then multiplying by 100 in accordance with Appendix 2 of the RR (CD 4.19). That calculation reduces the applicants’ overall contribution by 23.7%.



- 6.39 In terms of the destination for the financial contribution, the lpa explained<sup>118</sup> that the inclusion of the Arts and Cultural venue was the suggestion of BTC, and the remainder of the projects were suggested by the Parks and Green Infrastructure Officer.
- 6.40 The CIL Compliance Schedule reference under the Sport and Leisure Projects heading refers to the Moreton Road play area located between Phases 1 and 2 and delivered as part of the Phase 1 consent through its S106 Agreement. Here, the climbing frame is fenced off due to wood decay. A contribution from the Phase 3 proposal would allow the Council to replace the equipment as a new project.
- 6.41 The lpa invites the SoS to find that the £405,261 contribution is R122 compliant as it fairly and reasonably relates in scale and kind to the development.

Overall Conclusion

- 6.42 The lpa invites the SoS to grant planning permission for the application subject to the agreed list of suggested conditions and the S106 Agreement.

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<sup>118</sup> S106 Round Table Session.

## 7 Representations

### Consultation Responses at Application Stage including the Amended Plans

- 7.1 *Natural England (CDs 9.1, 9.18 & 9.47).* No Objection.
- 7.2 *Buckinghamshire Council - Waste and Recycling Team (CDs 9.2 & 9.45).* The permeability of the site to waste collection vehicles appears to be excellent.
- Inspector's Note,* further information in the form of a Waste and Recycling Collection Strategy is the subject of Suggested Condition (SC) 17.
- 7.3 *Buckinghamshire Council - Strategic Access Officer (CDs 9.3, 9.26 & 9.39).* No Comments.
- 7.4 *Buckingham and River Ouzel Internal Drainage Board (CD 9.4 & 9.32).* No Comment.
- 7.5 *Buckinghamshire Council - Affordable Housing (CDs 9.5, 9.34 & 9.41).* 35% AH is consistent with NP Policy HP5. There is a requirement to meet LP H6c regarding wheelchair accessibility and tenure blind design/location. Where possible, ground floor maisonettes should have wet rooms.
- 7.6 *Buckinghamshire Council - Archaeology (CD 9.6).* Potential for buried archaeology and suggest a programme of archaeological works condition.
- Inspector's Note.* SC 20 requires the submission of a programme of archaeological works to be submitted.
- 7.7 *Buckinghamshire Council - Parks and Recreation (CDs 9.8, 9.22, 9.33, 9.36, 9.44, 9.50, 9.54 & 9.55).* Identifies the requirement for a contribution of £405,261 based on dwelling sizes and discounted by 23.7% to reflect proposed onsite provision for sports and leisure provision.
- Identifies a need for a LEAP and a NEAP on-site and that every dwelling should be within the minimum 400m safe walking distance of a LEAP and 1000m walking distance of a NEAP. Most of the proposed dwellings fall within, or close to, the minimum walking distances. However, some of the southernmost dwellings lie outside the minimum 400m walking distance to a LEAP. Given the low number of dwellings outside of the minimum LEAP walking distance, rather than providing a separate LEAP and NEAP, the applicants' proposal is acceptable and more beneficial to residents by creating one larger destination park for all ages/abilities with a BMX track as requested by BTC. BTC draws attention to the requirement for all equipped play provision to score a minimum of Good against RoSPA's play value assessment for all age ranges (i.e., toddler, junior and teenager) and the NP Policy CLH2 requirement to achieve a minimum RoSPA play value score of 'Excellent' against all criteria (for all age ranges).
- Inspector's Note.* CD 3.90 provides a RoSPA Timeline and relevant CD documents confirming achievement of the relevant RoSPA grades.

- 7.8 *Buckinghamshire Council - Ecology (CD 9.11, 9.15, 9.17 & 9.30)*. Approved the updated Ecology Assessment and BNG Calculation. The recommendations in the ecology report should be conditioned to secure the proposed enhancements with a CEMP and a LEMP.
- Inspector's Note.* SC 11 refers to the development being implemented in accordance with the Ecology Appraisal and Addendum. SC 12 provides for a CEMP and SC 13 provides for a LEMP. SC 23 refers to the submission of a lighting design strategy for biodiversity.
- 7.9 *Buckinghamshire Council - Local Lead Flood Authority (CD 9.12 & 9.46)*. No Objection subject to the imposition of conditions.
- Inspector's Note.* SC 8 relates to the submission of a surface drainage scheme for approval.
- 7.10 *Buckinghamshire Council - Heritage and Conservation (CD 9.13)*. No harm to the settings of the Buckingham, Stowe, Chackmore and MM CAs.
- 7.11 *Buckinghamshire Council - Education (CD 9.24)*. A contribution of £1,591,167 is required to expand local primary and secondary schools. Primary and secondary schools are close to capacity and there are plans to expand both MM CE Primary School and Buckingham Secondary School to meet the demand from housing growth.
- 7.12 *Buckinghamshire Council - Highways (CD 9.14, 9.2, 9.35 & 9.52)*. No Objection subject to S106 obligations and planning conditions. The development would not have a detrimental impact on the operation and safety of the highway network.
- 7.12 *Crime Prevention Design Advisor (CD 9.10 & 9.28)*. No significant concerns. Commented on need to maximise surveillance of play facilities and parking.
- 7.13 *Historic England (CD 9.16 & 9.42)*. No comment.
- 7.14 *Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (CD 9.9)*. Commented on the need to secure the outcomes of the Ecological Appraisal through conditions or the S106 Agreement.
- 7.15 *Anglian Water (CD 9.51)*. Suggest information to be attached to a permission.
- 7.16 *The Gardens Trust (CDs 9.23, 9.37, 9.38 & 9.54)*. If the Council's Heritage Officer is satisfied that the proposal would not significantly damage the setting and views from the RPG Stowe, then The Gardens Trust have No Comment.
- 7.17 *Buckingham Town Council (CD 9.7, 9.29, 9.48 & 9.53)*. BTC oppose the application. Although this development is outside the NP housing development envelope, and conforms with the LP, it is still within the town boundary, and BTC expects the developer to comply with other NP policies.
- 7.18 The travel and traffic documents need to acknowledge the cumulative effect traffic from this site and the recently approved 170 houses in MM would have on the Old Gaol junction, particularly as use of College Farm Road/Mill Lane to

access the A422 is being discouraged. The Travel Plan needs to acknowledge that mode transfer is less likely if there are no bus services past the site at times useful to working residents or school pupils, that the Moreton Road is not gentle topography and few residents would be willing to carry shopping up it or be able to if they have health or mobility problems, as residents of ground floor flats tend to be.

- 7.19 The feasibility of installing a cycle lane on the Moreton Road is doubtful. The existing cycle path/pedestrian route does not extend beyond the site boundary of Phase 1. BTC opposes shared-surface streets on parking and safety grounds. The Phase 1 streets are not adequate to cope with traffic generated by 130 more houses or easy passage for emergency vehicles.
- 7.20 Dwelling designs should be amended further to reflect the Buckingham Vision and Design SPG. The AHs do not have garages contrary to the principle of tenure blindness. With the increasing number of women and girls playing rugby, the lack of changing facilities for the new pitches is serious. BTC highlighted issues with flooding within the town and several streets in the vicinity of the development.
- 7.21 *Maids Moreton Parish Council (MMPC) (CD 9.31 & 9.49)*. Although the LP is adopted, there is an unresolved conflict with traffic arising from the application site and the MM site. MMPC agree with the AGs submission that the Old Gaol roundabout and at the junction of College Farm Road/Mill Lane with the A422 would still operate at over capacity. These 2 routes would be the primary destination of traffic from the application site, which would increase disruption on the narrow approach roads from each direction.
- 7.22 There is complacency as to how the traffic generated could avoid clashes with pedestrians, cyclists, and parked cars within the village. Since Phases 1 and 2 were completed, traffic flows through the village and along Mill Lane have tripled. Cars travel at excessive speeds, traffic surveys have recorded speeds more than 60 mph down College Farm Road/Mill Lane, and, despite the existing weight limit, goods vehicles increasingly use this route to avoid town centre congestion. The scale of development proposed on this site and others is unsustainable. The application fails to address the detrimental impact on adjoining neighbourhoods. The patterns of movement within the existing narrow roads and streets do not demonstrate a realistic choice of transport modes. A cycle lane is not feasible given the steep and narrow width of Moreton Road between Addington Road and Summerhouse Hill. For users of the streets and public rights of way within the village, there is no protection from the noise and pollution that this development would bring. Given the unacceptable impact on highway safety and the severe residual cumulative impacts on the road network the application conflicts with the Framework.
- 7.23 This is a greenfield site in agricultural use that provides habitat for wildlife, flood risk mitigation, carbon storage and for food production. Records show that it is a mixture of Grade 2 and Grade 3a, which is considered the best and most versatile (BMV) agricultural land. In the context of climate change and food security, it is important that the unnecessary loss of this type of land is

avoided. As part of the wider landscape plateau, the site contributes to the setting of Buckingham and MM.

- 7.24 The Framework highlights that creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, Ips and other interests throughout the process. To date there has been no effective engagement with local communities, and certainly not MMPC. The design of the dwellings has little to do with the local vernacular and they are simply copy pattern book designs, repeated regardless of location. The limited use of chimneys and the narrow range of materials suggest the developer is more concerned with lowering costs than meeting the Framework emphasis on creating high quality places.
- 7.25 *Akeley Parish Council* (APC) objects because of the adverse effects on the highway network and conflict with the NP. Akeley is an attractive, quiet rural village. In recent years, increases in traffic and speeding have impacted the amenity of villagers. The A413 has a pinch point in the village, and was never designed for HGVs, who frequently cause traffic jams, collisions, and damage to infrastructure. Increased traffic would increase the risk to highway safety.

#### Representations from Amenity Societies/Residents Groups

- 7.26 *The Buckingham Society* (TBS) agrees with the traffic objections raised by the AG. The AG has shown that site traffic would cause severe congestion at the Old Gaol roundabout, leading to an unacceptable build-up of vehicles on the roads meeting there. Traffic on the alternative route via MM to the A422 has been assessed as having a severe impact on the operation and safety of the junction with the A422, requiring mitigation to deter traffic. The Travel Plan does not acknowledge that both route options entail narrow approach roads with parked cars effectively reducing capacity to a single lane. It is disingenuous to imply that measures calculated to reduce vehicular traffic would have any positive effect on the number of car journeys. The site is over 2km from the main employment centres, supermarket shopping and the new healthcare facilities planned for in Buckingham. Between the above, the town centre, and the application site there are steep hills, unsuitable for daily use. These constraints do not provide for realistic alternative modes of transport to serve the "*full range of journey purposes and address all aspects of life that create a need to travel*" (DfT guidance for Travel Plans). Bus services are limited and apart from their unreliability, the scheduled times do not coincide with normal working hours.
- 7.27 On design, there is no reference to the adopted guidelines in Buckingham's Vision and Design Statement (CD 4.32). What is proposed is a "*sea of brick*", with the odd nod to rendered finishes. Roof pitches are too uniform, identical black entrance doors appear in each of the 28 house types shown and among the 130 dwellings, only 13 have chimneys. Given the site borders an open,

rural landscape, there is no acknowledgement of the need for a design that reflects a more traditional form of development. For example, incorporating a greater variety of rooflines punctuated with chimneys, use of locally sourced stone, and a greater proportion of solid to void as Guideline No. 5 for Elevation and Roofline in the Vision and Design Statement explains. The Framework and the NDG seek high quality, individual and sustainable buildings. Development that is not well designed should be refused. The proposal falls well short of achieving local distinctiveness and is another example of ubiquitous estate planning that takes no account of its rural hinterland and should be refused.

- 7.28 *Maids Morton and Foscoate Action Group (AG)*. The LP allocates site for 130 homes and is located around 1km south-west from the MM site promoted for 170 homes in MM (16/00151/APP).
- 7.29 Both the application and MM site are north of the town centre and the Ipa acknowledges that there are only 2 viable routes for traffic to access the town's 3 strategic commuting routes, the A421, A422 and A413. Route 1 is via the town centre and the Old Gaol roundabout and Route 2 is via MM along College Farm Road/Mill Lane to the A422 junction. Route 1 feeds traffic along Moreton Road to the Old Gaol roundabout, where junction assessments show that the junction is already approaching capacity in the 2020 baseline and that capacity will be exceeded in the 2025 with and without development scenarios. Route 2 feeds traffic via MM and College Farm Road/Mill Lane to the junction with the A422. This would be the preferred route for access to Milton Keynes as it avoids the Old Gaol junction. Junction capacity assessments for the MM site application show a similar effect on highway capacity.
- 7.30 In 2017, Buckinghamshire County Council's assessment of the College Farm Road/Mill Lane junction with the A422 showed it operating over capacity as a direct result of proposed MM development. This coupled with poor visibility at the junction would have a severe impact on the operation and safety of the junction. The development is contrary to Framework policy and Buckinghamshire's Local Transport Plan 4. A 2018 study of the junction showed that the RFC values are worse in sensitivity test scenarios. These tests showed the junction operating excessively over capacity.
- 7.31 For the MM site, the solution to the highway safety issue identified by the modelling is aimed at reducing traffic flow along College Farm Road/Mill Lane. The November 2020 report to the Strategic Sites Committee states that: *"These works are aimed at making College Farm Road a less attractive route from the beginning and will aim to deter development traffic from using it"* (CD 8.7 page 23). However, the effect of the mitigations on the Old Gaol junction are made clear in the same report saying, *"It should be noted that if the traffic calming scheme is successful in deterring the development traffic from using College Farm Road, this will result in additional development traffic travelling into Buckingham."*
- 7.32 Given that the application site and the MM site would add traffic from 300 new homes onto an already constrained highway network, it was vital that the cumulative impact was assessed during the preparation of the LP. Cumulative

modelling was conducted by Jacobs UK Ltd in their Buckingham Town Centre Modelling Report.

- 7.33 In the Jacob's 2033 "Do Something" scenarios, the analysis included traffic from both the application site and the MM site. However, the Moreton Road donor zone Origin Trip Distribution plots clearly showed the underlying assumption of the modelling is that most traffic will route via College Farm Road/Mill Lane i.e., substantially higher than 50% of the combined traffic. Even with this traffic distribution, it was shown that the Old Gaol roundabout was approaching or exceeding capacity in the baseline scenario. The 2033 'Do Something' scenarios show the RFCs increasing further to over 1 in the AM Peak. The report concludes: *"...both town centre junctions are already operating over capacity in the 2033 DM and therefore the additional marginal impact at these junctions in the DS and DS2 scenarios is unacceptable, even with a reduced quantum of development in DS2". In both DS and DS2 scenarios, appropriate mitigation measures would need to be considered".* The Ipa further alluded to the use of College Farm Road/Mill Lane as an alternative route in the LP Examination document "Buckingham VALP Allocations Statement on Highways Matters (October 2020)" where it is said, *"The locations of all sites were reviewed and...sites BUC043, BUC046 and MMO006 have various route options to access locations to the south and east of the town, namely Aylesbury and Milton Keynes".*
- 7.34 The Ipa's evidence to the LP Examination shows a clear assumption that traffic from the application and MM sites would avoid the town centre by routing via College Farm Road/Mill Lane. The Examining Inspector confirms this was his understanding saying: *"BUC043 and MMO006 could each fund minor improvements to the junctions through contributions to the Buckingham Transport Strategy already referred to and also would add load to those junctions to a lesser degree because the likely main objective destination is Milton Keynes to the east of Buckingham and alternative routes, avoiding the town centre, are available. Those alternative routes include the use of Mill Lane (also known as College Farm Road) through Maids Moreton."* (CD 4.2 paragraph 239).
- 7.35 A TA for the application site was produced in February 2020 (CD 1.62). After publishing further details of an associated Travel Plan (CD 1.63), the traffic scheme was recommended for approval by the Highways Authority. The TA approach to forecasting and modelling future traffic flows is explained at paragraph 5.3.2: *"The Tempro future household assumptions were compared against the AVDC Five Year Housing Land Supply Position Statement (April 2019). Relevant projected completions located within Aylesbury Vale 002 forecast to come forward between 2019/20 and 2025/26 were considered, including any: sites with planning permission; sites with resolution to grant planning permission subject to S106; allocated sites in NPs without permission; extra care use class C3 commitments; extra care use class C2 commitments; proposed LP allocations; and windfall sites".*
- 7.36 AV 002 is the Lower Super Output Area used for UK Census data. What is notable about the AV 002 area is that it does not include MM, the boundary of

which is only a few metres from the northern edge of the application site. Therefore, development traffic from the MM site does not appear to be included in the future year traffic modelling scenario.

- 7.37 In considering the 2 LP allocations and their associated planning applications, the available evidence indicates that the lpa has maintained 2 contradictory positions: (1) cumulative traffic modelling of the 2 sites assumes that the majority of development traffic will use College Farm Road/Mill Lane to access the A422, thus avoiding the town centre and (2) the traffic scheme that the lpa have agreed for the MM site contains mitigation measures designed to deter development traffic from using College Farm Road/Mill Lane.
- 7.38 Furthermore, traffic modelling for the application site: (1) appears to omit traffic from the MM site in its forecast and (2) does not consider the effect of the mitigation measures, which reduce the capacity of College Farm Road.
- 7.39 All of the town centre traffic modelling carried out for the LP examination and the application site show the Old Gaol roundabout at capacity in baseline scenarios and well above capacity in future forecasts. This situation is compounded by traffic modelling for the MM site showing the College Farm Road/Mill Lane Road/A422 junction at overcapacity in all scenarios, to the point where it is a highway safety issue.
- 7.40 It may be argued that the LP traffic modelling was a high level or strategic exercise, where detailed mitigations would not be included. However, all the above evidence shows that the lpa needs to take a different approach when it comes to the planning application stage. For the application site, failure to do so would mean the impact on the severely constrained highways network in the town centre will not have been adequately assessed.

### **Other Representations at the Time of the Application**

- 7.42 *Councillor Stuchbury* referred to a previous appeal decision relating to this site and the need to determine the current application under the terms of the NP and not the emerging LP.
- 7.43 *Councillor Whyte* highlighted concerns with the accuracy of the submitted Travel Plan and the likely adverse impact of the development on the highway network, particularly the Old Gaol roundabout.
- 7.44 The Strategic Planning Committee report notes 106 objections and 5 neutral comments. Concerns include, overdevelopment, the highway network and misleading information on traffic impacts, surface and foul water drainage, adverse impacts on the landscape, a lack of sustainability, impact on nearby residents through overlooking, poor design, increase in crime and antisocial behaviour, conflict with the NP, an adverse impact on MM, the loss of agricultural land and an adverse effect on biodiversity.

### **Representations made after the Call In**

- 7.46 *BTC* submits the following matters (CD 7.1).



- 7.47 Framework paragraph 130 (a) refers to developments that function well and paragraph 130 (f) refers to places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. These objectives are reinforced in NP Policy DEH6. The town centre is the only real location for services and shopping. This development and that at MM would add to traffic using the Old Gaol roundabout and the roads that access the A422. There are no viable cycle routes from the town centre to the development. Part of Moreton Road is steep and narrow with a pavement on one side, is unsafe and unattractive to cyclists and pedestrians. The addition of combined pedestrian/cycle crossings over Moreton Road would make 3 pedestrian crossings in a 600m stretch of the A413. Public transport, the 151 service, runs one bus a day at 0901 hours from Moreton Road with the return trip at midday. This service is unsuitable for anyone working standard hours and is too late for pupils at 2 schools, neither of which has adequate cycle parking. Without viable alternatives, residents would become dependent on cars to access essential services and employment. This is not beneficial to the environment, nor to future residents who may feel isolated from the community.
- 7.48 MM has one public house, and 2 halls that can be hired to the community. Phases 1, 2 and 3 would total 410 homes with no on-site community facilities. Whilst the rugby pitches are welcome, they would benefit only a small percentage of the population. There is also concern that the proposed changing facilities, particularly in relation to the increased female interest in playing rugby, and car parking would limit access to this facility.
- 7.49 On flooding, Framework paragraphs 152, 154(a) and 167 are not fully considered. Surface water flooding has occurred in the area and near to the proposed estate entrances, the most recent event was in December 2020. Mitigation has not been fully considered. Given the poor choice of building materials, Framework paragraph 127 has not been fully addressed. There is no reference to either the NP design policies or the Buckingham Design and Vision Statement.
- 7.50 Regarding Framework paragraph 126, there are concerns regarding the lack of engagement with the local community. For reasons of encroachment, sustainability and adverse traffic impacts the site was not included in the NP. The Ipa's consideration of the application may not satisfy the requirement for effective engagement. BTC, the local community and its MP perceive that the decision to allow the application was a "done deal" and that Committee Members were not allowed to express doubts or concerns about the development. Despite repeated requests there was no consultation with BTC regarding the S106 Agreement and its content falls short of BTC's aspirations.
- 7.51 In the absence of an up-to-date design code for Buckingham, substantial weight should be given to the aims and provisions of the NDG and NMD. The Buckingham Vision and Design Statement of 2001 is still a valid planning document and is of value in identifying vernacular requirements.
- 7.52 The following key points of the NDC have not been fully complied with. These are, shared surfaces – Built H3 – recognisable streets and other spaces; safe

access H3, refuse services - Built H3, cycle storage - Built H3, safe access streets through Phase 1- Built H2, affordable Homes not having garages - not tenure neutral U3, grey water recycling - R3 (149) and N2, building materials paragraph 30, detailing paragraphs 32 and 33, safe access to play facilities including the BMX track - L3 & P3, inclusive play facilities including BMX track - L3 & P3, flooding - R3 (149) & N2 and community facilities - L3 & P3 4.3.

- 7.53 The relevant key principles from the NMDC are: *"How the design of new development should enhance the health and wellbeing of local communities and create safe, inclusive, accessible, and active environments"*. The aim is to encourage people to use more environmentally friendly modes of transport, especially walking and cycling for the associated health benefits. This development would force residents back to cars to access their homes, workplaces and essential services. In terms of physical and mental health, this is development in phases, which does not provide any community facilities to foster a sense of belonging and community. *"How landscape, green infrastructure and biodiversity should be approached including the importance of streets being tree-lined."* There are insufficient trees to describe the development as tree lined. *"The environmental performance of place and buildings ensuring they contribute to net zero targets."* There is a major concern that car use would be a necessity for many residents to access work and essential services. *"The layout of new development, including infrastructure and street pattern."* There is concern whether existing roads in Phase 1 would provide safe access to Phase 3. *"The factors to be considered when determining whether façades of buildings are of sufficiently high quality and that developments should take account of local vernacular, character, heritage, architecture and materials."* Concern about lack of variety in building materials and the appropriateness of materials in relation to the vernacular style. BTC has concerns regarding refuse services - Movement (v), cycle storage - Movement (iv) re resident provision and there is no mention of visitor provision, Transport - Movement (i) - Connected Places - all development should be within easy access of public transport.
- 7.54 The site is allocated for housing in the LP, which is one half of the development plan. The NP forms the other half, and unless inconsistent with LP, as the later made plain, it carries equal weight. This application conflicts with NP Policies I3 and I5 regarding surface water flooding and Policy CLH2 regarding accessibility and inclusivity of play provision including the BMX track.
- 7.55 *Mr Bloss* (CDs 7.2, 7.11 & 7.14). Effectively the new plans have not been put out to interested parties. It feels as if this is a whole new application. Each time the lpa accepts or supports applications that do not conform to LP policies, this undermines the aim of Framework Section 12. The LP was consulted on prior to adoption and every time developments are proposed that do not conform to its policies it loses credibility and integrity.
- 7.56 In the SoCG, the lpa and the applicants state that parking "broadly" meets LP Policy T8. However, this is a binary policy in that either it is met or not. Here, the policy is not met. LP Policy T8 requires electric vehicle (EV) parking spaces of 3x6m yet the developer is proposing 2.5x5m, 70% of the policy

requirement. This would be a disincentive to EV users and impact the sustainability of the development.

- 7.57 LP Policy T7 requires a sustainable approach to cycle routes. It is a fantasy that a cycle path is deliverable from the development down Moreton Road to the town centre. There is no room for a cycle path, part of the road is a very steep hill, there is on-street parking, a narrow pavement, and a narrow road.
- 7.58 I do not know how any elderly person or someone with a pushchair could be expected to undertake any significant shopping trips using this route unless it is via motor vehicle. All retail, service and healthcare options are in this direction. The current design and location of the application conflicts with the LP and the Framework. These require that planning decisions take account of whether safe and suitable access to a site can be achieved for all people.
- 7.59 The TA notes significant impact on highways, especially on the Old Goal roundabout where the effects would be severe. A further 182 houses are already in place in MM. A huge proportion of that traffic will end up heading into the town centre, because the major development in MM has a condition in it to deter traffic from using the obvious route onto the A422. Car users heading to any of the main employment or transport hubs of Milton Keynes, Aylesbury, Bicester and Oxford will have to use the Old Goal roundabout.
- 7.60 Whilst there was an additional walkover by the applicants' ecologists in July 2023, it appears no new Protected Species survey information has been provided. The data from the application is over 3 years old and the Chartered Institute of Ecology and Environmental Management best practice would require more up-to-date information. In not requiring more up-to-date information, the lpa is being inconsistent.
- 7.61 There has been an astonishing uplift in the BNG claimed by the applicants since the application was submitted. A change from 1.17% to 31.39% in Habitat Units gain when ostensibly the plan remains the same is concerning and requires an explanation. There is no plan that maps the areas of habitat to the BNG figures. However, in the application it was stated that the BMX Pump Track would occupy 0.2699 hectares but in the latest set of metrics it is recorded as being only 0.03 hectares. That is a huge change and as the track will have a BNG value of zero it has a significant impact on the figures. Moreover, due to the non-compliant parking spaces, the level of sealed surface i.e., tarmac is understated by some 1,800 sq. m. Overall, there is a reduction in sealed surface between the approved application and the appeal data of over 3,100 sq. m which is considerable.
- 7.62 Some of the tree planting would be in between housing and the play areas. That is contrary to the RoSPA guidelines in that there should be a clear line of sight between dwellings and play areas. This is an example of poor design.
- 7.63 The Housing SoCG refers to the agreed position that AV has a 4.5-year HLS and that the "Tilted Balance" applies. AV is a defunct and arbitrary definition since the abolition of Aylesbury Vale District Council in 2020. It is a meaningless term and merely reflects the lpa's lacklustre performance in

consolidating the various legacy systems and functions of the old district councils. The lpa should be providing the figures for the 5-year HLS for its entire area. The current position is potentially misleading.

- 7.64 *Mr Cobb (CD 7.3)*. The Flood Management Assessment, that the LP undertook, was flawed. Recent flooding shows that surface water run-off is a significant issue. The LP does not consider the impact of inadequate water management measures on other conurbations downstream. For Phases 1 and 2, attenuation basins were created to manage surface water run-off. However, these have proved useless. When there is sustained heavy rain, the area around Moreton Road and Whitehead Way floods whilst the attenuation basins remain dry. At the Strategic Sites Committee meeting, officers acknowledged the flood mitigation measures for Phases 1 and 2 do not work. The idea that Phase 3 may need to be modified to provide a solution for all 3 phases was not dismissed. However, the officers acknowledged it would not be possible to require remedial action as part of Phase 3 as it was not explicitly designated in the LP. It is fundamentally wrong that the LP should be blindly followed regardless of the consequences. If necessary, the LP should be modified to rectify the problems created by Phases 1 and 2 and to ensure that adequate effective flood mitigation measures are implemented for Phase 3.
- 7.65 If the attenuation basins for Phase 3 work as intended, the current proposal will fail to mitigate the existing flood risk but will exacerbate it. Although the Committee report said that "*Trees would be planted throughout the development*" in accordance with the Framework, there is an absence of trees proposed except for a decorative screening on the western boundary. As a result of this failure, a potential water management measure has been lost, in addition to the wider benefits tree-lined streets would provide residents. There has been a miscalculation of urban vegetated gardens as part of the FRA Drainage Strategy. Over 20 plots and garages have been designated as discharging into private soakaways in rear gardens. However, people are free to do what they like in their own gardens. As seen in Phase 1, many will pave over them (CD 3.3).
- 7.66 The ecological appraisal has several flaws. Hedging is misrepresented in that existing hedging has been treated as arable land for the baseline habitat and then magically transformed back into hedging so that it can form part of the ecological habitat when calculating the development environmental uplift. The environmental uplift has been short-changed by around 15 tennis courts worth of ecological habitat. The BNG calculations are unrealistic. All gardens have been designated as Urban Vegetated Gardens. However, as with drainage this is pure fantasy.
- 7.67 At the Committee, the officers explained that a key reason for strictly following the LP was that any modification could be grounds for the developer to appeal and that the ensuing further work would not be a good use of taxpayers' money. As we have seen, this cautiousness has proved fruitless as the developers have appealed anyway. However, this does mean that there is an opportunity to address the increased flood risk the current proposals present, as well as the ecological issues raised above. Getting this right will

undoubtedly save taxpayers' money in the long term. Managing flood water and repairing flood damage is costly, especially given the projected increase in extreme weather events. The development should not go ahead unless the applicants include remedial action to rectify their failed water management measures for Phases 1 and 2, as well as the implementation of a truly sustainable water management solution for Phase 3.

- 7.68 *The Gardens Trust (CD 7.4)*, having reviewed the additional information, are reassured that there is no impact on the Grade 1 RPG at Stowe (CD 1.79).
- 7.69 *Akeley Parish Council (CD7.5)* repeat the concerns raised at the application stage indicating that if permission is granted it would be inappropriate for construction traffic to approach the site via Akeley.
- 7.70 *Mrs Ellis (CD 7.6)* objects on the basis that Buckingham does not have the infrastructure to sustain more housing. Reference is made to recent flooding and the potential for the development to exacerbate these occurrences.
- 7.71 *Mr Brook (CD 7.7)* objects to the application. This application has changed little from the proposal called in by the SoS and refused in 2017 (CD 6.2). The process applied by the Ipa was scant and took little regard of views from Councillors and members of the public. The application conflicts with the NP, which has wide local support.
- 7.72 The application site is Grade 1 agricultural land. With a dependency on imported food becoming ever more prevalent and food security ever more fragile this land should be protected.
- 7.73 Access would be through an existing housing development with inadequate road design to cope with 130 houses and potentially 50,000 additional vehicle movements every year. Pressure on the historic town centre is already at breaking point and cannot be alleviated without careful and thoughtful planning policies being applied.
- 7.74 The development would add further pressure on inadequate primary and secondary health services. The development would exacerbate the risk of flooding in the town centre.
- 7.75 *Mr Pryke (CD 7.8)* objects submitting similar concerns made by the AG at the time of the application, (paragraphs 7.28 to 7.40 above).
- 7.76 *Ms Bullock (CD 7.12)* objects, the application conflicts with the NP and has not changed since the last refusal. There is concern over noise and disturbance and a threat to the safety of children from construction activity.
- 7.77 Access to and from Moreton Road is challenging and a safety risk. There have been several undocumented near accidents on the entrances to this estate. Additional traffic generated by the development would be a danger to the health and safety of residents on this estate. Parking on the existing estate is abysmal. Roads are often blocked restricting access for emergency vehicles endangering the lives of residents.

- 7.78 Traffic and traffic speeds on the highway network have increased. Local services and infrastructure are already under severe pressure. Further development would only exacerbate this issue, particularly as 170 homes are due to be built in MM. Development would adversely affect local biodiversity.
- 7.79 *Mr Mallet (CD 7.9 Parts 1 & 2)*. Highlights concerns relating to the handling of the application by the lpa and traffic impacts.
- 7.80 Following representations by BTC and the public, Members expressed concern about,
- the viability of the proposed cycle route along Moreton Road,
  - flooding,
  - conflict with LP parking standards and the inadequate provision of EV charging points,
  - the inadequate provision of parking at the proposed rugby pitches,
  - inadequate contributions to the BTS given the likely cumulative impact of the MM development,
  - the need to improve the A422 roundabout,
  - the impact on the Old Gaol roundabout and queuing traffic, and
  - the impact of the development on the already inadequate healthcare facilities in the town.

Members sought solutions to these issues but were continually warned that delaying this application could leave the lpa open to an application for costs by the applicants. The impression given by the conduct of the meeting is that the Chair and Officers sensed the arguments for approval were weak and vulnerable to debate by Members. The solution offered to the Committee by the Chair was to write to the Cabinet Member responsible seeking solutions. However, none were forthcoming.

- 7.81 Development of this site would result in a severe impact on the highway network, particularly the Old Goal roundabout, contrary to the guidance at Framework paragraph 111. The applicants TA and subsequent submissions show that the roundabout is approaching capacity and is forecast to exceed capacity without future development. However, the applicants and the lpa assert that the development impact would be marginal. This is misleading. As a result of the additional development traffic, the RFC on the Stratford Road arm (Arm B) in the AM peak increases from 0.97 in the 2025 baseline to 1.14 in 2025 with development. This is reflected in the increase in queue length, 9.4 vehicles to 40.1 vehicles and a Delay Time increasing from 62 seconds to 255 seconds (CD 1.88 TN2 Appendix A, tables for AM peak on pages 9 and 27).

*Maids Morton & Foscoote Action Group (AG) (CDs 3.92, 7.10, & CDs 7.15 & 16).*

- 7.82 The AG submit a report reviewing the Update TA (CD 3.64) and the applicants' highways proof-of-evidence (CD 3.79). The report highlights the issue of town centre congestion at the 2 heavily constrained roundabouts at either end of Market Square largely resulting from completed and approved developments in

north Buckingham and MM. The town centre traffic problem is acknowledged by the BTS (CD 4.25 paragraph 6.1.5).

- 7.83 The AG report details the implications of the MM permission on College Farm Road/Mill Lane, the junction with the A422 Stafford Road and the mitigation agreed. The AG concludes on the contradictory approach adopted by the highway authority of at one time seeking to deter traffic to facilitating traffic at another (CD 7.10 pages 3 to 8).
- 7.84 The original traffic modelling outputs are contained in the 2020 TA and the 2022 TN2 document, both of which had projections for the years 2020 through to 2025 (CDs 1.62 & 1.88). The Updated TA modelling takes 2020 as the base year and extends the projection through to 2028 (CD 3.64). As expected, with the committed developments and background growth factored in, there is a marked increase in town centre traffic predicted in 2028. Whereas TN2 Appendix A11 predicts a 20-car queue on the Stratford Road arm of the Old Gaol roundabout (AM peak in 2025 without development), the Updated TA Appendix E predicts a 73-car queue (AM peak in 2028 with development). The resulting delay time at this arm increases from 2.25 minutes in 2025 up to 8 minutes in 2028. Despite the projections quoted above, the applicants conclude that the application would not have a severe impact on town centre traffic. The AG report at pages 9 and 10 summarises flaws in the applicants' reasoning.
- 7.85 The S106 Agreements for the application site and the MM development include conditions and financial contributions for schemes, which it is claimed will alleviate or reduce through-traffic in the town centre, in line with the BTS (CD3.67 & CDs 8.4 A to C). These include,
- 1) a left turn filter lane on the Moreton Road approach (Arm A) of the Old Gaol roundabout. However, it is difficult to see how the addition of a white line will make any difference to driver behaviour and traffic flow.
  - 2) A422 Page Hill roundabout. This is a proposal for a left turn filter lane on the NE approach arm of the roundabout (CD 3.79A Appendix SCH8). There is already a filter lane in place, though not separated. Analysis of Google Maps Traffic data for peak times confirms observations that there is no congestion at this location. There is minimal queuing even at peak times and no advantage is gained by turning left if your destination is the town centre or north of it. It is not clear how this addition will encourage drivers to avoid the town centre by using the ring road.
  - 3) Moreton Road cycleway. The lower end of Moreton Road has a steep and narrow section. As there is no off-road provision, numbers 32 to 38 are permitted on-street parking bays along the southern edge. No detailed designs or feasibility study have been conducted to disprove the comment that providing a cycleway here is a physical impossibility.
- 7.86 There is no evidence that the Travel Plans for Moreton Road Phases 1 and 2 were monitored. There is scant evidence that Travel Plans work in any scenario. Without this evidence, with bus services at a bare minimum and not

set to improve and an unsuitable cycleway, it is difficult to see how the Ipa accepted the trip generation discounts used in all the TAs.

- 7.87 Only one of the above schemes is specifically linked to the application. The rest are provided for only by way of financial contributions to the BTS. Realistically, few if any of them will go ahead, and certainly not in a period that would mitigate the severe impact at the Old Gaol roundabout in 2028. The mitigations should be in place long before any of the houses are occupied. However, even if implemented prior to occupation, there is no evidence that they will have any impact on town centre traffic.
- 7.88 Forcing excessive housing growth north of Buckingham town centre will have a severe impact on the constrained highways network. None of the mitigations discussed, including the confused treatment of College Farm Road/Mill Lane provide adequate mitigation for the projected growth. This directly conflicts with the key aim of the BTS, which is to reduce through-traffic.



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## 8. Conditions & S106 Agreement

### *Conditions*

- 8.1 The suggested conditions (SC) are agreed between the parties (CD 3.84). SCs 7, 8, 12, 13, 14, 15, 18 and 20 are pre-commencement conditions. The applicants agree to the imposition of these conditions (CD 3.91).
- 8.2 **SC1** is the time limit for the implementation of the permission. **SC2** lists the approved plans. **SC3** requires the access roads to be laid out before any other development. **SC4** requires that the estate roads are to an adoptable standard. **SC5** requires the vehicle and cycle parking, garages and manoeuvring spaces are provided before the first occupation of the dwellings and retained. **SC6** requires the provision of EV chargers.
- 8.3 **SC 7** is a pre-commencement condition requiring the submission of a Construction Management Plan, which amongst other things, provides for agreement on construction traffic routing. **SC8** is a pre-commencement condition requiring details of surface drainage to be provided to manage flood risks. **SC9** specifies the materials to be used on the external surfaces of the dwellings. **SC10** provides for the submission of details of improvements in energy efficiency measures over and above Building Regulation requirements.
- 8.4 **SC11** seeks to ensure the proposed biodiversity improvements are implemented. **SC12** provides for the submission of a Construction Environmental Management Plan to ensure that existing biodiversity resources are protected. **SC13** is a pre-commencement condition that provides for the submission of a Landscape and Ecological Management Plan to ensure that the agreed biodiversity works are managed. **SC14** is a pre-commencement condition which seeks to ensure that the landscaping plans for the amenity land are implemented. **SC 15** is a pre-commencement condition requiring the approval of a tree and hedgerow protection plan.
- 8.5 **SC16** provides for the approved garden boundary treatments to be implemented. **SC17** provides for the submission of a waste and recycling collection strategy. **SC18** provides for the submission of details relating to slab levels. **SC19** provides for the submission of details of and installation of the LEAP/NEAP. **SC20** provides for a programme of archaeological investigation. **SC21** requires approval of the lighting scheme for the rugby pitches. **SC22** provides for the approval of a rainwater capture scheme for the individual houses.
- 8.6 **SC23** provides for the submission of a lighting scheme for the protection of biodiversity. **SC24** requires that 15% of the AH units are wheelchair accessible. **SC25** requires that 15%, except those referred to in SC24, are constructed as Accessible and Adaptable Dwellings.

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*S106 Agreement (CD 3.67)*

- 8.7 Supported by a CIL Compliance Schedule (CD3.68), this is a comprehensive Agreement concluded between the site owners, the developer and the Council relating to financial contributions and other matters.
- 8.8 *Schedule 1 Bond Obligations.* This provides for a bond of £595,423 per hectare for the Open Space Land<sup>119</sup> to be used if the owner fails to comply with all or any of the covenants/obligations relating to the Open Space.
- 8.9 *Schedule 2 Notification.* Notification of commencement of the development and notification of the number of AH/OM home starts and updates on progress made to transfer the AH to an Association<sup>120</sup>.
- 8.10 *Schedule 3, Affordable Housing.* AH to be constructed in accordance with an AH Plan, not less than 35% of all dwellings to be delivered as AH of which 75% to be Affordable Rent (AR) and 25% Shared Ownership (SO). The breakdown is 6 AR one-bed flats of which 3 would be ground floor wheelchair accessible, 6 AR 2-bed flats of which 3 would be wheelchair accessible, 6 AR and 6 SO 2-bed houses, 13 AR 3-bed houses of which 1 would be a bungalow and 5 SO 3-bed houses. No more than 50% of the OM homes to be occupied before all the AHs are built and transferred to an Association<sup>122</sup>. This Schedule includes the occupation criteria for the AHs.
- 8.11 *Schedule 4 Open Space Obligations.* Provides for a combined LEAP/NEAP, a BMX track, sports pitches, and a minimum of 24.7 sq. m. per resident of Public Open Space in accordance with a scheme to be submitted and approved. The minimum requirements of the Open Space Scheme are set out in Appendix A to the Agreement. No development until an offer in principle has been made to BTC to transfer the Open Space<sup>121</sup> land to BTC or if no offer is to be made, to transfer the land to a Management Company. No more than 50% of the dwellings to be occupied until the Open Space is inspected and a Certificate issued. Offer the Open Space land to BTC for free. A Commuted Sum<sup>122</sup> and Additional Commuted sum<sup>123</sup> is to be paid to the Council for maintenance of the open space. The applicants calculate the Commuted Sum and the additional Commuted Sum to total some £632,515. If BTC does not accept the Open Space land, no more than 65% of the dwellings shall be occupied until a Management Company to manage the open space is formed.
- 8.12 *Schedule 5 Management and Maintenance.* Provides for sufficient and enduring funding for the Management Company to carry out its maintenance and other functions.

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<sup>119</sup> Defined as public open space, amenity land, the NEAP & LEAP, BMX track and sports pitches.

<sup>120</sup> Registered Social Housing Provider.

<sup>121</sup> Except for the sports pitches.

<sup>122</sup> At the rate of £58,000 per hectare.

<sup>123</sup> an additional sum over and above the Commuted Sum which the Council may deem necessary to be paid to cover any additional future maintenance costs of the hard surfacing, landscaping elements and the physical equipment (if applicable) of the: (a) Open Space Land; (b) Combined LEAP & NEAP; (c) BMX Track; (d) Sports Pitches;

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- 8.13 *Schedule 6 Sustainable Urban Drainage (SUDS)*. No commencement until a SUDs scheme is submitted and approved. Manage and maintain the SUDs scheme until it is transferred either to BTC or a Management Company.
- 8.14 *Schedule 7 Sports and Leisure*. Pay £405,261 before the occupation of 50% of the dwellings for the provision of an arts and cultural venue in Buckingham and/or improvements, modernisation and refurbishment to Stratford Fields football ground and/or Buckingham Rugby club's changing facilities and clubhouse, and/or Buckingham Town Cricket Club and Maids Moreton Playing Field cricket facilities and/or Buckingham West End Bowls Club clubhouse, changing facilities and toilet facilities and/or Moreton Road open space and equipped play provision.
- 8.15 *Schedule 8 Education*. Pay an Education Contribution of £1,558,119 for the expansion of facilities at Maids Morton/Buckingham Primary Schools and Buckingham Secondary School. Pay 50% of the Education Contribution in full prior to the occupation of the first dwelling and pay the balance of the Education Contribution in full prior to the occupation of 50% of the dwellings.
- 8.16 *Schedule 9 Highways*. Pay a Highway contribution of £260,000 before the occupation of the first dwelling for the design and provision of a left turn filter slip at the A422 Stratford Road/A413 roundabout and for the BTS. Submit a Travel Plan for approval and pay a Travel Plan Monitoring Fee of £5,000.
- 8.17 Submit a Highway Works Delivery Plan for Highway Works for approval and construct all estate roads to adoptable standards. Highway Works are defined as,
- bus stop infrastructure at the north-bound bus stop, north of the rugby club access,
  - provision of ducting for the future installation of Real Time Passenger Information (RTPI) systems at the north bound bus stops and north of Bradfield Avenue,
  - provision of a bus shelter and a RTPI system at the south bound bus stop near to Avenue Road,
  - combined pedestrian and cycle crossing over Moreton Road close to the existing bus stops at the southern end of Phase 1,
  - dropped kerbs/tactile paving at all crossing points along Moreton Road to provide safe access to bus stops,
  - a new footway linking Phase 2 to the north-bound bus stop adjacent to the Rugby club car park,
  - a cycle route from the southern end of the existing off road route serving Phase 1 along Moreton Road to the existing mini-roundabout junction at the Old Gaol roundabout, which could be in the form of either an on road advisory or signed route,
  - blue cycle direction signs along the existing off-road cycle route,
  - cycle storage at selected locations within the town centre,
  - a permanent pedestrian refuge on Moreton Road within the vicinity of the Old Gaol roundabout,
  - the introduction of lane markings on the Moreton Road approach to the Old Gaol roundabout to identify 2 separate approach lanes, and

- Keep Clear markings across the junction of Cornwall Meadows and the High Street.
- 8.18 *Schedule 10 Custom and Self Build Housing*. Before development begins a Custom and Self Build Housing Scheme is to be submitted for approval. The Self-Build and Custom-Build Plots will not be sold or used other than as Self-Build and Custom-Build Units, unless approved by the Council.
- 8.19 Paragraph 26 of the Agreement refers to what is commonly called the “Blue Pencil Clause”. This states that if the SoS states that any of the covenants or obligations do not meet the policy tests set out in Framework paragraph 57 and/or do not accord with the statutory requirements of CIL R122, they shall be deemed to have no effect.
- 8.20 At the time of the application, the Buckinghamshire Healthcare NHS Trust requested a contribution of £254,283.00 towards the gap in the funding created by each potential patient from this development (CDs 9.19 & 9.20), which the Ipa concluded was not CIL compliant (CD 2.1, paragraphs 4.208 to 4.222). Following the call-in, the Trust updated its request for contribution of £170,177 for Acute and Community Health Infrastructure (CDs 7.13A & B).
- 8.21 The applicants disputed the Trust’s request on the basis that it failed the CIL Regulation 122 tests (CDs 8.27, 8.25 & 8.26). Whilst the Ipa was seeking clarification of the request, the Trust withdrew the request (CD 7.17). Accordingly, this matter was not pursued at the inquiry.

## 9 Inspector's Conclusion and Recommendation

*The numbers in [ ] brackets refer to earlier paragraphs in this report or Core Documents.*

- 9.1 The call-in letter dated 17 May 2023 listed the matters that the SoS wished to be informed on [CD 6.9]. These are,
- a) the extent to which the proposed development is consistent with Government policies for achieving well designed places, as set out in the NPPF (Chapter 12); and
  - b) the extent to which the proposed development is consistent with the guidance on design set out the National Design Guide (2021) and the National Model Design Code (2021); and
  - c) the extent to which the proposed development is consistent with the development plan for the area; and
  - d) any other matters the Inspector considers relevant.
- 9.2 At the CMC held on 31 July 2023 the following were identified as the other matters the Inspector considered relevant. These are,
- e) the local highway network,
  - f) landscape and visual impact,
  - g) heritage assets,
  - h) biodiversity net gain, and
  - i) housing land supply.
- 9.3 Before the inquiry opened, a further matter to be addressed was identified.
- j) whether adequate provision would be secured to provide for additional facilities, including transport, education, community facilities, and open space arising from the development.

*Consistency within National Policies and Guidance on Design and Layout.*

- 9.4 The SoS Matters a and b are dealt with together. Consistent with the overarching objectives as set out in Framework paragraphs 126, 130 and 131, the focus of the NDG is the 10 characteristics of beautiful, enduring, and successful places. Framework paragraphs 128 and 129, refer to the preparation of design guides or codes consistent with the NDG and NMDC based on community engagement. The focus of the NMDC is on providing guidance on the production of local design guides/codes and policies. Paragraph 127 refers to the need for plans to set out a clear vision and expectations for design. Policies should be developed with local communities to reflect local aspirations and are grounded in an understanding and evaluation of each area's defining characteristics.

- 9.5 The specific design policies relating to the application site are contained in LP Policy BUC043 following a thorough LP examination process. This policy has 3 specific design requirements, criterion (a) the provision of at least 130 dwellings at a density that takes account of the adjacent settlement character and identity, (b) development is designed using a landscape led approach and (m) the design and layout informed by a LVIA.
- 9.6 The application responds well to the above requirements. The application would provide 130 dwellings at a density of 30dph consistent with densities in Phases 1 and 2 [5.10]. The design approach is landscape-led and informed by a detailed LVIA [CD 1.67]. The scheme comprises land that would meet all the site-specific open space requirements of the community and more. Some 60% of the site, 6.59ha, would be retained for landscaping, recreation and open space with the provision an open space that would include rugby pitches for Buckingham Rugby Club, a NEAP and LEAP [5.18]. The open space would include a BMX track, a facility not required by LP policy but requested by BTC. The S106 Agreement provides for the transfer of the open space to BTC and commuted sums for its long-term maintenance [8.13].
- 9.7 NDG paragraph 36 sets out the attributes of well-designed places and how the 10 characteristics work together to, create the physical *Character* of a place, nurture and sustain a sense of *Community*, and positively address environmental issues affecting *Climate*. The applicants and the lpa have fully assessed the application against the 10 Characteristics which are: *Context* – enhances the surroundings, *Identity* – attractive and distinctive, *Built Form* – a coherent pattern of development, *Movement* – accessible and easy to move around, *Nature* – enhanced and optimised, *Public Spaces* – safe, social and inclusive, *Uses* – mixed and integrated, *Homes and Buildings* – functional, healthy and sustainable, *Resources* – efficient and resilient and *Lifespan* – made to last. The following is an assessment of the application against these characteristics. Inevitably seeking to assess the development against the individual characteristics there will inevitably be some repetition as some elements of the layout/design overlap characteristics.
- 9.8 The assessment of the application against the 10 characteristics is grounded in the DAS, which is a thorough and comprehensive assessment of the application scheme. To aid correlation of the application's various elements, the various sections are highlighted to cross reference with the relevant NDG characteristics, the Design SPD<sup>124</sup> and the Buckingham Vision and Design Statement<sup>125</sup> [CD 3.65].
- 9.9 **Context**, the NDC at paragraph 41 says that a well-designed development responds positively to the features of the site and the surrounding context; enhances positive qualities and improves negative ones. The DAS undertakes a thorough assessment of context with detailed character studies of

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<sup>124</sup> CD 3.65 Appendix A.

<sup>125</sup> CD 3.65 Appendix C.

areas/neighbourhoods radiating out from the town centre to Phases 1 and 2 [CD 3.65 pages 9-19 and pages 20 to 43].

- 9.10 The layout of the proposal is heavily influenced by the character study. One notable feature is that the layout has been partly shaped to provide a key view southwards to the town centre and the spire of the Grade 1 Listed Church of St Peter and St Paul [CD 3.15]. The landscape led approach responds to the LVIA, which identifies the northern field as the most sensitive area in landscape terms and locates the open space uses here and built development in the less visually prominent southern field. The layout responds well to its setting and would create a positive edge to the town by setting development back from the western boundary, with a staggered building line and landscape proposals where the retained trees and already substantial hedgerow would be reinforced with additional planting [CD 3.13 & 2.3]. The development footprint responds to the sensitivity of views from the Stowe CA and the RPG. The success of this approach is clearly evidenced by the withdrawal by The Gardens Trust of its objection regarding the effect of the development on the RPG [7.68]. I agree with the applicants, that landscape, movement, built form patterns, architecture, flood attenuation and visual matters have been assessed to create a neighbourhood well integrated into its surroundings and positively influenced by its context.
- 9.11 **Identity**, well designed places, buildings and spaces, have a positive and coherent identity that everyone can identify with, contributing towards health and well-being, inclusion, and cohesion, has a character that suits the context, its history, how we live today and how we are likely to live in the future; and are visually attractive, to delight their occupants and other users. Points of focus under this characteristic are that developments should, respond to existing local character and identity; be well-designed, high quality and deliver attractive places and buildings; and create character and identity.
- 9.12 The built form and landscape strategies draw upon precedents in the local area and Phases 1 and 2. As noted above, these strategies deliver a positive edge to the town through responsive development, with the already substantial western and northern boundaries strengthened by additional tree and shrub planting. This approach is consistent with SPD Design Principle DES25 - Create a Positive Development Edge. The development would be outward looking with each edge considered sensitively and differently. The open space area is well considered, would be attractive to use and would provide existing and prospective residents with this key facility overlooked by homes.
- 9.13 Whilst the lpa and the applicants consider the concentration of the public open space in one area to be a significant advantage, BTC highlights that retention of the tall mature hedge that runs east west across the site, would prevent passive surveillance of the area. BTC would prefer to see the children's play facilities located within the estate and overlooked by dwellings. All the homes located opposite would overlook the area from first floor windows. Views from ground floor windows and the street would be limited to those areas where access ways would be cut through the hedge. That said, the concentration of the play and recreational facilities in one area brings with it the advantage that

it would be well used and operate as a multi-generational facility, which would bring with it greater surveillance [7.7].

- 9.14 The DAS describes the variety in the appearance of the buildings and the traditional forms, proportions, colours, and materials in the immediate surrounding area. The DAS analyses the existing built form under the headings of urban form, built/plot form, open space/landscape, car parking, architectural materials, and details. These sections explain how the proposal sets out to respond to the analysis of the existing built form.
- 9.15 The Material Layout Drawing shows that the homes would have durable, traditional materials consistent with those of the surrounding neighbourhood (brick, render, slate and clay tile). A variety of brick and roof tile are represented in the Street Scenes [3.4]. Roof pitches are varied and chimneys to some houses (70%) provide variety. The appearance and architecture of the homes is traditional punch hole windows with soldier course brick details, extended eaves and verges and traditional rainwater goods. All are in keeping with Phases 1 and 2 and the wider traditional character of the town. The provision of porches, garden fences, landscaping details and materials are common features in the neighbourhood.
- 9.16 The layout is legible and structured with homes fronting on to all streets and the effect of car parking on the street scheme is minimised by the design of on plot car parking in drives and garages. The design of the primary north/south street with its varied building lines provides a sequence of views and as highlighted earlier, the view, south is terminated by the spire of the Church of St Peter and St Paul. This approach is in line with the Framework, the NDG and the NMDC. The approach to layout and design follows the advice in the NDG at paragraph 53 where it refers to "*Well-designed new development is influenced by: (...) views, vistas and landmarks*" [3.15]. Existing trees and landscape features would be retained and enhanced with proposed tree planting and sustainable drainage systems that would contribute to a positive character and perform a multifunctional role.
- 9.17 Taken all together, the application demonstrates that it has its own character and identity.
- 9.18 **Built Form** is the arrangement of development blocks, streets, buildings, and open spaces. The interrelationship between all these elements creates an attractive place to live, work and visit. Together they create the built environment and contribute to its character and sense of place.
- 9.19 The density of development is consistent with Phases 1 and 2, represents an efficient use of the site<sup>126</sup> and is appropriate for its location on the edge of the settlement. The built form organised in a series of 8 blocks, is well structured and responds positively to the context of adjoining developments<sup>127</sup> [3.1].

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<sup>126</sup> Framework paragraph 130 (e).

<sup>127</sup> NDG B1 page 19.



- 9.20 The building types, their form and scale would generally be 2-storey houses with pitched roofs that relate well to the immediate context and are arranged in a coherent form of development<sup>128</sup>. The built form defines a clear pattern of streets and blocks showing the influence of the surrounding residential context [CD 3.3]. Consistent with the Framework,<sup>129</sup> the relationship between buildings, with homes facing on to the streets in stepped and staggered arrangements would provide visual interest, good overlooking, and active frontages throughout the scheme.
- 9.21 Memorable buildings and groupings end both short and longer-range views, create a sense of place and provide a varied approach to the built form like that found in the wider area. This approach would be consistent with SPD Design Principle DES20: Provide Enclosure and Positive Frontage to streets and DES24: Use Markers, Landmarks, Vistas and Street Hierarchy to Aid Legibility. The AH is integrated into the layout to promote inclusion and cohesion and is hard to discern, achieving the objective of tenure blind layouts<sup>130</sup>. Building setbacks, varying designs, and building lines all go to create a distinctive character. The DAS section on appearance, materials and character, pages 82 to 87, reflects the character guidelines and demonstrates how the detailed design of homes are consistent with design guidelines in the Buckingham Vision and Design Statement and the NP.
- 9.22 The extensive and well planned public open space to the north of the site extending to some 5.67ha would be a new local destination for the neighbourhood. It would be easily accessible by foot and cycle, providing opportunities for people to meet, share experiences and come together as a community<sup>131</sup>.
- 9.23 The application would be consistent with the NDG on Built Form.
- 9.24 **Movement** highlights that a well-designed movement network defines a clear pattern of streets that: is safe and accessible for all, functions efficiently to get everyone around, takes account of the diverse needs of all its potential users and provides a genuine choice of sustainable transport modes, limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality, promotes activity and social interaction, contributing to health, well-being, accessibility, and inclusion; and incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity. This characteristic also focuses on, a connected network of routes for all modes of transport (M1), active travel (M2) and well considered parking, servicing, and utilities infrastructure for all users.
- 9.25 There are a range of movement options and networks available around and connected to the site. These include improved bus stops on Moreton Road,

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<sup>128</sup> NDG B2 paragraph 67.

<sup>129</sup> Paragraph 130 (e.)

<sup>130</sup> Mr Deeley Response to Inspector's question.

<sup>131</sup> NDG B3 paragraph 72.

cycle routes, footpaths and roads for private car use. Whilst I acknowledge the existing bus service is limited, ease of access to the stops and the increase in population has the potential to encourage the introduction of additional services. The provision of an extended cycle route to the town centre, albeit it has limitations, is part of the BTS cycle route expansion aims. On their own these limitations would not be a reason to refuse the application.

- 9.26 The layout would provide for a fully connected network of footpaths providing attractive links to encourage walking [CD 3.3]. In addition to this, a combination of routes, shared surfaces, lanes, and private drives would serve and encourage cycling<sup>132</sup>. In line with SPD Design Principle DES28: Plan for Cyclists, the design of the dwellings would provide convenient, secure cycle parking in garages.
- 9.27 The layout, access points and the arrangement of streets provides good and legible connectivity and well overlooked thoroughfares, with the street hierarchy based on guidance in Manual for Streets [3.3 to 3.6]. The proposal delivers a variety of connected thoroughfares from primary streets, footpaths, shared surfaces, lanes, and pedestrian only footpaths. The Primary Street would provide an acceptable level of access for service and delivery vehicles to the frontages of all homes.
- 9.28 The provision of parking has been carefully considered providing a total of 323 spaces on a balanced approach to achieve attractive street environments minimising the visual impact of frontage parking. This has been achieved by reducing the use of parking courts in favour of on-plot parking in the form of garages, undercroft parking and hardstanding. This approach is consistent with SPD Design Principle DES27: Integrate Parking to Meet Needs and Support Attractive Streets and Spaces.
- 9.29 Given the above, the application is consistent with the Movement objectives of the NDC.
- 9.30 **Nature** contributes to the quality of a place, and to resident's quality of life, and is a critical component of well-designed places. Natural features are integrated into well-designed development. They include natural and designed landscapes, high quality public open spaces, street trees, and other trees, grass, planting, and water. This characteristic also focuses on: N1) providing a network of high quality green open space with a variety of landscapes and activities, including play; N2) improving and enhancing water management; and N3) supporting a rich and varied biodiversity.
- 9.31 The application would provide for a substantial area of formal and informal public open space at a level, significantly more than that required by LP policy. Some 60% of the site, 6.59ha, would be retained for landscaping, recreation and open space. The application would be consistent with SPD Design Principles DES9 Work with the Natural Features and Resources and DES11 Establish a Landscape and Green Infrastructure. There would be an integrated

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<sup>132</sup> NDG M2 Active Travel.

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green infrastructure that would contribute to the creation of a healthy, inclusive, and safe and accessible green infrastructure and sports facilities [CD 3.49 to 3.59].

- 9.32 Multifunctional green sustainable drainage systems would be located at the southern end to the site, visually complementing the Phase 1 attenuation features in the Lincoln open space, enriching the attractiveness of this gateway open space, providing opportunities for biodiversity enhancement and a welcoming environment for visitors and residents. This is in line with SPD Design Principle DES12: Water Features and Sustainable Drainage Systems.
- 9.33 The layout includes a wildlife pond alongside wildflower grassland and flowering lawns. Most of the hedgerows would be retained and set away from the built development. This would ensure they could be managed and maintained in the long term. Additional planting and biodiversity potential within attenuation basins would further augment the biodiversity potential of the site. The proposal would protect and enhance the biodiversity of the site and provide for a BNG calculated at a 31.39% gain in habitats and a 14.37% gain in hedgerows [5.24]. This is consistent with SPD Design Principles DES3: Ecology and DES13: Design to Enhance Biodiversity.
- 9.34 The application would be consistent with the NDG objective relating to Nature.
- 9.35 **Public Spaces** refers to the quality of the spaces between buildings being as important as the buildings themselves. Public spaces are streets, squares, and other spaces that are open to all. They are the setting for most movement. The design of a public space encompasses its siting and integration into the wider network of routes as well as its various elements. These include areas allocated to different users, cars, cyclists, and pedestrians, for different purposes such as movement or parking, hard and soft surfaces, street furniture, lighting, signage, and public art. Points of focus are listed as P1, create well located quality and attractive public spaces, P2 provide well designed spaces that are safe, and P3 making sure that public spaces support social interaction.
- 9.36 Rugby pitches, a BMX track, a NEAP and a LEAP would be located in the northern field creating a significant local destination that would be integrated within the network of green and blue infrastructure provided as part of the proposals [3.3 & 3.59]. A variety of key public spaces drawing on the local context would be delivered in addition to the northern open space. These include a gateway green space along Lincoln alongside further flood attenuation to the west bringing the wider landscape into the site, a central node between the primary north-south route and Shetland, the tree-lined streetscape of Shetland, and the linear green corridor spaces along the eastern and western edges [CD 3.3].
- 9.37 Street trees and landscaping would be incorporated into the layout to ensure an attractive public realm. Existing natural features have been positively addressed and retained in the proposal. Overall, the public realm proposals would encourage a sense of community and identity and promote healthy

lifestyles. This would be consistent with SPD Design Principle DES33: Enhance the Environment and Sense of Place Through Open Spaces.

- 9.38 Public open spaces would be overlooked by buildings providing active frontages and a sense of enclosure appropriate to the character and function of each space. This would encourage social interaction and provide natural surveillance of spaces. Existing trees and planting would be provided within public spaces. The additional planting would further enhance their attractiveness and distinctiveness. This approach would be consistent with SPD Design Principles DES39: Promote Buildings that Respond to and Help to Animate the Street Space and DES35: Enhance the Environment and Sense of Place through Tree Planting and Soft Landscape.
- 9.39 The sports and play facilities within the northern field would create synergy with the Rugby Club. The application would mirror the Phase 2 approach of providing an active frontage to this key public space. This would increase opportunities for social interaction and activities which would bring residents and visitors together. This is consistent with SPD Design Principle DES34: Integrate Space for Play into the Design.
- 9.40 Regarding matters of Public Space in Design, the application would be consistent with the NDG.
- 9.41 **Uses** refers to the need for well designed neighbourhoods to include an integrated mix of tenures and housing types that reflect local housing need and market demand; designed to be inclusive and to meet the changing needs of people of different ages and abilities. Development should reinforce existing places by enhancing local transport, facilities, and community services, and maximising their potential use. Points of focus are, U1) a mix of Uses; U2) a mix of Homes Tenures, types, and sizes; and U3) Socially inclusive.
- 9.42 The DAS, Movement and Local Facilities section demonstrates the sustainable location of the site within walking and cycling distance to facilities in the town centre and close to bus stops on Moreton Road. The Committee Report<sup>133</sup>, recognises the sustainable location of Phase 3 concluding, "*Within the Settlement Hierarchy (2017), Buckingham is identified as a strategic settlement. It is therefore accepted that Buckingham is a sustainable location for new housing development as one of the main towns. Buckingham, amongst the other larger settlements, acts as a service centre for other smaller and larger villages surrounding it. There are a range of facilities and amenities within acceptable walking and cycling distance of the site, with existing footways and cycleways.*"
- 9.43 In the absence of a 5-year HLS, the application would provide much needed OM homes and AH, 35%, at a significantly higher level than required by the LP and in line with the NP. The application proposes a mix of dwelling types and sizes ranging from 1 to 5 bed dwellings delivered with active frontages throughout to ensure that they meet current demand and provides for a safe,

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<sup>133</sup> CD 2.1 paragraphs 4.32& 4.33.

inclusive and mixed community. The AH would make a significant contribution to the housing supply in the area. The development would provide a proportion of wheelchair accessible dwellings in line with the LP. This would be consistent with SPD Design Principle DES22: Provide a Mix of Residential Typologies within Residential Schemes to Create Mixed Communities and Ensure these are Adaptable to Change.

- 9.44 Fixed seating would be provided at key junctions and shared spaces to encourage social interaction. The colocation and proximity of the BMX track, the LEAP and NEAP alongside the sports pitches would encourage a range of user groups to interact in this public space.
- 9.45 The application would be consistent with the objectives of the NDG and NMDC relating to Uses.
- 9.46 **Homes and Buildings** refers to well-designed homes and buildings providing, good quality internal and external environments for their users, promoting health and well-being, relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion; resolving the details of operation and servicing so that they are unobtrusive and well-integrated into their neighbourhoods. Points of focus are: H1) healthy, comfortable, and safe internal and external environments, H2) well related to external amenity and public spaces and H3) attention to detail regarding storage, waste, servicing, and utilities.
- 9.47 The layout features outward facing perimeter blocks that would clearly define public and private space. The blocks are designed to provide natural surveillance to streets and spaces and create a safe environment. Parking courts would cater for a limited number of cars and be overlooked by properties. The number of parking courts has been minimised to balance safety needs with softening the visual impact of cars. The diverse designs of homes would provide functional, accessible and sustainable homes. The internal environments and associated external spaces would provide for the health and wellbeing of their users and all who experience them.
- 9.48 The homes are designed to meet LP Policy H6c which requires all dwellings to meet Building Regs Part M4(2) and a minimum of 15% of the affordable units to be delivered to Part M4(3) wheelchair accessible standard.
- 9.49 The layout would provide for high quality, convenient and functional external amenity spaces that would be provided with a reasonable degree of privacy and designed to respond to the local character. The layout would not have an adverse impact on neighbouring residential amenity and would create a satisfactory standard of accommodation for future occupiers. This approach is consistent with SPD Design Principle DES42: New Development must be Designed to Respect the Privacy of Existing Residents.
- 9.50 Homes and spaces are positioned to design out crime and car parking courts are well overlooked. Cycle storage would mostly be provided within garages or sheds at properties with no garages to ensure that cycles can be conveniently stored. A fully connected road network would enable convenient refuse

collection. It is intended that local waste storage, services, and exterior details such as drainpipes, gutters and meter boxes, would be carefully designed to ensure a high-quality environment. This is consistent with SPD Design Principle DES31: Integrate Refuse and Recycling into the Design of New Development.

- 9.51 Paragraph 4.70 of the Committee Report recognises that *“refuse vehicle tracking plans have been provided and are considered acceptable. Further details of a collection strategy for the less accessible areas of the development would be dealt with by condition.”*
- 9.52 The application would be consistent with the objectives of the NDG and NMDC relating to Homes and Buildings.
- 9.53 **Resources** refers to well-designed places, having a layout, form, and mix of uses that reduces their resource requirement, including for land, energy and water, are fit for purpose and adaptable over time, reducing the need for redevelopment and unnecessary waste and use materials and adopt technologies to minimise their environmental impact. Points of focus are, R1) follow the energy hierarchy; R2) careful selection of materials and construction techniques and R3) maximise resilience.
- 9.54 Dwellings have been designed in accordance with the energy hierarchy and a fabric first approach to reduce energy use and carbon emissions. The homes would be thermally insulated to a high standard and fitted with ASHPs, to reduce energy demand and use. The orientation of buildings creates south and west facing roofs offering the potential to further reduce energy use through the introduction of PV panels. Dwellings have been designed to a water efficiency standard of 110 litres/person/day to reduce water consumption and a condition is suggested to provide rainwater storage in accord with NP policy. This approach is consistent with SPD Design Principles DES47: Minimise Environmental Impact by Energy Efficient and Sustainable Design, DES50: Local Energy Production and DES51: Reducing Water Demand.
- 9.55 The homes have been designed to use sustainable materials and construction methods to reduce resource use and impacts on the environment. Measures would be put in place to manage waste during construction and occupation to reduce waste and maximise recycling. This is consistent with SPD Design Principle DES49: Sustainable Building Materials. The proposed density would offer an efficient use of land in a sustainable location close to facilities and employment opportunities. Other sustainability measures would include the provision of outdoor space, sustainable drainage systems and reference to Secured by Design standards.
- 9.56 The application would be consistent with the objectives of the NDG and NMDC relating to the use of Resources.
- 9.57 **Lifespan** refers to well-designed places, buildings and spaces that are:, designed and planned for long-term stewardship by landowners, communities and local authorities from the earliest stages, robust, easy to use and look after, and enable their users to establish a sense of ownership and belonging,

ensuring places and buildings age gracefully, adaptable to their users' changing needs and evolving technologies, and well-managed and maintained by their users, owners, landlords and public agencies. Points of focus are, L1) well-managed and maintained; L2) adaptable to changing needs and evolving technologies and L3) a sense of ownership.

- 9.58 A CEMP to protect the identified ecological features during the construction of the development would be conditioned. Alongside this a LEMP detailing the enhancement features along with the retained habitats would also be conditioned to provide suitable management of these areas in perpetuity. Most hedgerows would be set away from the footprint of the development to ensure appropriate management and maintenance in the long term. A further condition would secure the proposed SUDs scheme and a whole-life maintenance and management plan for the surface water drainage system.
- 9.59 The Adoption Layout Plan shows the extent of roads proposed for adoption [CD 3.5]. The Amenity Check Layout Plan shows the extent of amenity/open space around the residential dwellings to be maintained by a Management Company [CD1.06]. The entirety of the space in the northern field would be offered for free to BTC for adoption with substantial commuted sums [8.11]. A Housing Association would manage the AH and all associated lands. This approach is consistent with SPD Design Principle DES36: Deliver a High Quality, Coordinated and Attractive Public Realm that is Easy to Manage and Maintain.
- 9.60 Design proposals for the site have been shaped collaboratively through consideration of consultee responses and post submission consultation with BTC. Framework policies, NDG and NMDC guidance as well as local and site-specific policies and guidance developed in consultation with the local community to reflect local aspirations have underpinned this application. The collaborative approach has ensured the site would deliver an enhanced edge to Buckingham and MM through sensitive and responsive development. There is a clear definition of public and private space which makes it likely that occupants will use, value and take ownership of these spaces as residents of Phases 1 and 2 already have.
- 9.61 The application would be consistent with the objectives of the NDG and NMDC relating to Lifespan.

Conclusion on Consistency with the Framework, NDG and MMDC

- 9.62 The application is accompanied by a thorough and comprehensive DAS that has clearly informed and guided this development. The scheme is landscape led, resulting in sensitive treatments of the edges, particularly the western boundary with the countryside and the Stowe RPG beyond. The layout is legible and permeable and provides for a significant element of public open space. The design and finishes of the dwellings pay close attention to the vernacular architecture of their surroundings. Accordingly, the application is consistent with design policies contained in the Framework and the 10 characteristics of well-designed places within the NDG and NMDC. The application is also consistent with the design policies contained in the LP, the

NP, the Design SPG and where relevant the Buckingham Vision and Design Statement. I agree with the lpa's conclusion that, *"...the development of the site would achieve a high quality, beautiful and sustainable place and a sympathetic and fitting addition to the built form and settlement pattern in this location"*.

#### *Implications for the Local Highway Network*

- 9.63 Relevant development plan policies are LP Policies BUC043 criterion h and l, T1, T3, T4, T5 and T7 [4.7, 4.9–4.11]. Relevant Framework policies are set out in paragraphs 110 and 111.
- 9.64 Vehicular access into the development would be from the existing road network with 2 accesses created from Phase 1 via Shetland in the north and Lincoln in the south. Vehicular access to the playing fields for maintenance and to serve the proposed rugby pitches would be via Phase 2, Twickenham Road. The applicants and the lpa agree that visibility, the geometry and capacity of the access points into the site, along Whitehead Way and the north and south junctions of Moreton Road and Whitehead Way are acceptable and provide for safe access, in accordance with LP Policy BUC043 criteria h [CD 3.71]. I have no reason to disagree with those conclusions. Both Whitehead Way and Shetland have footpaths on either side and whilst there is evidence of on-street parking, rather than being a hazard that has the effect of slowing traffic down and contributes to safety.
- 9.65 Consistent with the requirements of LP Policy T7, the hierarchical internal road layout of the development would be legible and provide clear pedestrian and vehicle links through the development, to the open space and to surrounding developments [3.2-3.7].
- 9.66 In line with LP Policy BUC043 criterion l, there is an agreed contribution of £260,000 towards the BTS scheme to provide for a left turn slip at the A422/A413/Stratford Road roundabout. These works are identified in the BTS and listed under LP Policy T3, Table 17 as a "Protected and Supported Transport Scheme" [8.18, CD 4.1 page 227]. I have considered, the comments of BTC and a local Councillor that this scheme is not required as (a) there is no observed queuing and (b) the route is already signposted [5.49 & 7.85]. The need to include these works were thoroughly assessed in the preparation of the BTS and at the LP examination. Whilst local knowledge can make a useful contribution to the assessment of individual development, there is no objective evidence to support the above anecdotal comments. Moreover, having travelled this route several time before and after the inquiry, I agree with the applicants' observation that the existing signage does not aid early decision making on the choice of route [5.49].
- 9.67 To accord with the requirements of LP Policies T1, T5 and T7 and the BTS, the proposal includes offsite works to provide an on-road signed cycle way southwards along Moreton Road, a cycle crossing on Moreton Road, cycle stands in the town centre, improvements to the bus stops on Moreton Road and the development of a Travel Plan [5.43 7 5.44]. These are all agreed with the lpa [6.14].



- 9.68 BTC and the AG raise concerns about the viability and safety of the proposed cycleway. Viability relates to the steepness of Moreton Road between its junctions with Summerhouse Hill and Beech Close [7.19, 7.47 & 7.85]. While the road appears steep, the applicants submit that at its maximum the gradient is some 4.7% over 387 metres, which is within the maximum 5% set out in Manual for Streets [5.44]. As to safety, the concern relates to that stretch of road from the junction with Addington Road to beyond Nos. 32 to 38 Moreton Road, where the road narrows and where there is some on-street parking and a footpath on one side. I accept that this is a challenging section of the road. However, the route has been assessed in the past and forms part of the town-wide cycling strategy identified in the BTS [5.43]. Observation of driver behaviour along this stretch of the road identified drivers giving way to each other to avoid conflict and I have no reason why this should not continue to be practiced with cyclists, particularly if the route for cyclists is well marked, which would be agreed and implemented as part of the Highway Works Delivery Plan [8.19]. The provision of cycle stands within the town centre would provide an additional encouragement to use cycling as an alternative mode of transport for some trips. The acknowledged limitations do not on their own justify refusing planning permission,
- 9.69 I acknowledge that public transport provision along Moreton Road is limited [7.18, 7.19 & 7.47]. However, the improvements proposed to the infrastructure of and access to the existing bus stops, would make accessing the existing services easier [8.19]. Moreover, the increased population and the development of a Travel Plan could in the longer term prove an incentive for operators to increase the number and frequency of services. It was noticeable that walking into the town centre from this part of Moreton Road is a significant feature. As such neither the distance nor the gradient of the road is a major disincentive to walking as an alternative to the use of the car.
- 9.70 The proposal would not conflict with the aims of LP Policies T1, 3, 5 and 7 or the BTS. Having regard to Framework paragraph 110 (a), the applicants have through the agreed obligation, particularly the Highway Works Delivery Plan, sought appropriate opportunities to promote sustainable transport modes that can be taken up having regard to the type of development and its location.
- 9.71 Turning to the impact of traffic generated by the development on the highway network, the concerns largely relate to the impact of development traffic routing through MM to use College Farm Road/Mill Lane and its junction with the A422 Stratford Road, and the Old Gaol and Market Square roundabouts in the town centre. In this context, it is important to note that the LP Examination concluded in August 2021 with the publication of the Examining Inspector's report which assessed the highways impact of the application site and other allocations and unequivocally concluded, *"The effects of the development on highways of this and other allocations in Buckingham have been assessed during the Inquiry into the called-in application and in the County's Local Plan Modelling and in the Buckingham Transport Strategy and found to be acceptable subject to a number of infrastructure upgrades"* [5.34].

- 9.72 A TA, an updated TA and the proposed mitigation were assessed and accepted by the Ipa [6.10]. The TAs predict that the 2-way trips in the AM and PM peaks, adjusted to take account of the Travel Plan would be 54 and 52 vehicles respectively [5.41]. These figures are not disputed, and I have no reason to conclude otherwise. Traffic from the development routing through MM, is predicted to be up to 6 in the AM peak and 3 trips making the reverse journey in the PM peak [6.11]. Given the likely traffic movements generated by the permitted MM development, these figures would have no material impact on traffic conditions in MM, the use of College Farm Road/Mill Lane and its junction with the A422 Stratford Road.
- 9.73 The appellants' traffic modelling has, in my view, adopted a highly robust approach. My conclusion is based on the use of Scenario 1, which applies Tempro 7.2 growth, without any allowance for potential reduction in traffic flows because of home-working and the assumption that 60% of trips generated by the MM development would travel through the town centre via Moreton Road. Moreover, the traffic modelling does not consider the suggestion that traffic from MM could avoid the Old Gaol roundabout by using Addington Road [5.40]. The approach of modelling a significant element of the MM traffic down Moreton Road, would address the AG groups concerns regarding the unknown efficacy of the proposed traffic calming in MM and the impact it could have on traffic heading southwards [5.40]. Moreover, the impact of the development takes no account of the mitigation that would flow from the implementation of the BTS [6.13]. In this context, the implications for the town centre junctions with and without the strategic developments are a very worst-case scenario and highly unlikely to be reflected on the ground [5.48]. My assessment of the traffic impact is based on the outcomes predicted in Scenario 1.
- 9.74 One of the measures used to assess the impact of development on junctions is the RFC, which considers the ratio of traffic volume to capacity for each turning movement [5.36]. An RFC of below 0.85 is considered to represent a situation where the junction is operating within capacity. An RFC of between 0.85 and 1 indicates a junction operating close to capacity and an RFC exceeding 1 indicates a junction that is operating over capacity. Although as the Ipa's highway consultants indicated previously, within this type of modelling there is a disproportional increase in queues and delays on arms which have an RFC exceeding 1 [5.36].
- 9.75 In assessing the impact of the application traffic on the town centre roundabouts it is important to note that the Scenario 1, 2020 base figures rolled forward to 2028, show RFCs exceeding 0.85 and by 2028 exceeding 1 in both the AM and PM Peaks without either the application site or the MM development [5.46, CD 3.70 Appendix A]. It is the impact of this traffic growth that gave rise to the BTS and the holistic approach to mitigation set out in LP Policy T3.
- 9.76 The assessment of junction capacity shows that the worst affected arm of the Old Gaol roundabout is Stratford Road and the Bridge Street arm of the Market Square/Bridge Street roundabout. In 2028, with the MM development added

and using Scenario 1, the RFCs on the Stratford Road arm in both the AM and PM peak would be 1.17 and rising to 1.22 in the AM Peak and 1.21 in the PM Peak when traffic from the application site is added in. In 2028, with the MM development the Bridge Street arm shows an RFC of 1.13 in the AM Peak and 1.18 in the PM Peak rising to 1.15 in the AM peak and 1.19 in the PM Peak when traffic from the application site is added in. Increases in the RFC also equate to increases in queue length and delay.

- 9.77 However, in interpreting these figures, it is important to remember, that based on the inputs to the modelling [9.17], (a) no allowance is made for mitigation arising from the BTS and (b) the caution issued by the Ipa's highway consultants who indicated that with this type of modelling there is a disproportional increase in queues and delays on arms with a RFC over 1 [5.36]. Moreover, the appellants' proposed mitigation of lane markings on the Moreton Road arm of the Old Gaol roundabout to identify 2 separate approach lanes, would have a beneficial impact of reducing the RFC on this arm [8.19]. At the approach to the roundabout, the road is wide enough to allow traffic to turn left into Stafford Road and right into Market Place. As I observed on more than one occasion, drivers do not approach the roundabout in this manner and drivers turning right tend to occupy more of the road than necessary forcing drivers wishing to turn left to stand in the road unnecessarily. The introduction of road markings would mitigate this issue.
- 9.78 Drawing all the above together, the 2 town centre roundabouts would not, given the predicted increases in baseline traffic, experience a material increase of impact and increase in journey times because of the application. Thus, having regard to LP Policy T1 and Framework paragraph 111, the residual cumulative impact of traffic generated by the application would not be severe.

*Landscape and Visual Impact.*

- 9.79 Relevant development plan policies are LP Policies BUC043 criteria b, NE 4 and 8 and NP Policy DHE1 4.15 & 4.19. Relevant Framework policies are contained in Section 15, particularly paragraph 174.
- 9.80 Consistent with LP Policy BUC043, the application is accompanied by a LVIA. The site carries no landscape designations and for the purposes of Framework paragraph 174 (a) it is agreed that the site does not form part of a "valued landscape". The site, which is in agricultural use, slopes down from north to south and is almost totally enclosed by well-maintained tall, wide, and dense hedges. The site comprises 2 fields, a smaller northern field separated from the larger southern field by a similar well-maintained tall, wide, and dense hedge. These hedges limit views into the site from public vantage points.
- 9.81 Given the sloping nature of the site, the LVIA identifies that the higher northern field is more sensitive to development in landscape and visual impact terms. No buildings are proposed in this more sensitive area and the housing is well contained in the southern lower field. That said, given the application site is a greenfield site, the development would inevitably change the landscape character of the site.

- 9.82 As the SoCG records and the landscape strategy plan illustrates, the development adopts a landscape led approach as required by Policy BUC 043 with generous landscaped buffers and limiting built development to the southern field [5.22 & 6.22]. The landscape plan shows the western field boundary reinforced with additional native planting, which along with the set back and staggered western building line would provide a soft edge to the development [3.49]. Any views of the development would be restricted by the existing tall dense hedgerows and limited to the upper floors of the houses. The higher more sensitive northern field would contain the play features and sports pitches, which would largely be obscured by the existing tall hedges reinforced by additional woodland planting.
- 9.83 The adverse impacts on landscape character would be restricted to the site itself and the wider visual impacts of the development would be satisfactorily mitigated by the landscape led approach to design and layout. The application would not conflict with LP Policies BUC043 criteria b, NE4 and 8, and NP Policy DHE1 and Framework policy for the protection of the countryside.

#### *Heritage*

- 9.84 The relevant development plan policy is LP Policy BE1 – Heritage Assets [4.12 & CD 4.1 page 245]. Relevant Framework policy is contained at Section 16 Paragraphs 189 to 208.
- 9.85 When assessing the impact of a development on a HA, the decision maker must have regard to S66(1) and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and pay special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess and pay special attention to the desirability of preserving or enhancing the character or appearance of CAs.
- 9.86 Central Buckingham is designated as a CA and a central feature is the Grade 1 Listed Church of St Peter and St Paul. To the north-east and north-west are the villages of MM, Chackmore and Akeley, parts of which are designated as CAs. Located some 3.29km to the north-west is Stowe, designated as a Grade 1 RPG that extends to some 500 ha, with much of the area designated as a CA. The RPG include 45 listed buildings of which 28 are Listed Grade 1, 4 are Grade 2\* and 13 are Grade 2 (CD 3.81, Figure 1 CD 3.81A & CD 3.80A).
- 9.87 The application was accompanied by a robust Heritage Assessment, and following concerns raised by The Gardens Trust, a Landscape and Visual Technical Note and a Heritage Note were issued (CDs 1.64, 79 & 80). The Ipa's Heritage and Conservation Officer records that the application would not cause harm to the settings of the Buckingham, Stowe, Chackmore and MM CAs [7.10 & CD 4.1 paragraphs 4.182 to 4.194]. The Gardens Trust following a review of the further information confirmed it had no objection. Historic England had no comment on the application [7.13 & CDs 1.79 & 80].
- 9.88 I visited parts of the Stowe RPG and viewed the Buckingham, MM, Chackmore and Akeley CAs. The Buckingham CA relates to the historic core of the town

and is separated from the application site by modern development. There are no views in or out of the application site and the only view out from the site is of the spire of the church [5.26]. Given the intervening development, there would be no harm to its setting or significance.

- 9.89 The Landscape and Visual Technical Note and a Heritage Note assessed in detail the potential impact of the application on Stowe Park (CDs 1.64, 79 & 80). The viewpoint photographs 3, 4 and 5 indicate, given the separation and extent of intervening tree and shrub planting, that views of the site would be non-existent or negligible and limited to the upper parts of the houses set against the backdrop of the built-up area. In this context, there would be no harm to the setting or significance of the park and garden. Stowe Avenue forms part of the CA (CD 3.80A page 3). It is from here that there would be potential for an impact. However, I agree with the assessment of the Conservation Officer that, given the topography, screening and the encroachment of farm buildings and the built-up edge of Buckingham, the application would not harm the setting or significance of the CA.
- 9.90 The open countryside to the west and north-west contributes to the setting of the MM CA. Views towards the application site are heavily filtered and obscured by the Rugby Club and Phases 1 and 2, which themselves influence the appreciation of the CA. Built development would be in the southern part of the site and the BMX track, LEAP, NEAP, and sports pitches would be largely screened by the existing mature hedge on the northern boundary of the site. In this context the application would cause no additional impact to the setting or significance of this CA.
- 9.91 Given the degree of separation and substantial screening, there are little or no views of the application site from the Chackmore and Akeley CAs and there would be no impact on their settings or significance.
- 9.92 The Council's Archaeologist identified a potential for buried archaeology, the protection and recording of which could be covered by a condition relating to a programme of archaeological works [7.6 & SC20].
- 9.93 Drawing the above together, the application would cause no harm to the setting or significance of the above HAs and would not conflict with LP Policy BE1 or Framework Section 12. This conclusion is consistent with the conclusions of the SoS and the Inspector in the 2017 appeal decision letter and report [CD 6.2 DL paragraphs 28 to 30 & IR 168 to 173].

#### *Biodiversity Net Gain*

- 9.94 LP Policy NE1 seeks a net gain in biodiversity through protecting, managing, enhancing, and extending biodiversity resources and by creating new ones [4.14]. NP Policy DH5 seeks to minimise the effect of development on natural habitats and species and provide net gains to biodiversity through amongst other things the use of native planting [4.19]. LP policy is supplemented by a BNG SPD, which although does not set a minimum percentage uplift, indicates that development proposals that are required to provide BNG can use the Government's metric to support their biodiversity impact assessment.

Currently, the latest version is Metric Version 4.0 March 2023 [4.21]. Although it does not apply to this application, The Environment Act 2021 will require new applications to provide a minimum of 10% BNG. Framework policy on habitats and biodiversity is contained at Section 15 paragraphs 179 to 182 [4.31]

- 9.95 The application was accompanied by an Ecological Appraisal January 2020 [CD 1.69], reviewed in March 2021 with a BNG Assessment based on DEFRA Metric 2 assessment tool. This assessment reported a positive 1.74% change in habitat units and a positive 19.09% change in hedgerow units.
- 9.96 As part of the general updating of the application information [1.4], the applicants produced an Ecology Addendum September 2022 relating to a July 2023 walkover which updated the current habitat conditions and recorded details of actual or potential presence of notable or protected species, changes in bat roosting suitability, an updated badger survey and the suitability of off-site waterbodies for the Great Crested Newt. The updated assessment concluded that the ecological status of the site had not materially changed from the previous reports [CD 3.60]. A BNG assessment based on DEFRA Metric 4 shows that with the landscaping and biodiversity works proposed there would be a positive 31.39% change in habitats and a positive 14.37% change in hedgerows. I have no reason to challenge the BNG assessment, which the Council's Ecologist has assessed and approved [6.24 & 25, 7.8].
- 9.97 Natural England considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes [CD 4.1 paragraph 4.180].
- 9.98 Concern has been expressed about the variation in the BNG calculations [7.61]. Superficially, that concern is understandable, however, the uplift in BNG is largely down to differences between the 2 metrics. Different versions of the Metric give different weightings to different habitat types [CD 3.87 paragraphs 1.4 & 1.5]. The Biodiversity Metric 4 User Guide identifies that biodiversity inputs are unique to each version of the Metric and as such it is inappropriate to compare the outputs from different versions of the Metric.
- 9.99 The Landscape Strategy and Planting Overview [CD 3.49 & 50], which would contribute to BNG includes native tree planting concentrated in the open space area and along the western boundary, street tree planting, native shrub and ornamental planting, native hedge planting, a wildflower meadow and bulb planting and the creation of a pond in the south-eastern corner of the open space area. These measures would be secured by conditions, which include the submission and approval of Construction Environmental and Landscape and Ecological Management Plans.
- 9.100 Drawing the above, together, the application would protect and enhance the biodiversity of the site and provide for a significant net gain in biodiversity. Conditions can secure the necessary mitigation and compensation and a Landscape and Ecological Management Plan would ensure suitable management of these areas in perpetuity. The proposal would not conflict with LP NE1, NP Policies DHE2, DHE4 and DHE5, and Framework policy.

### *Housing Land Supply*

- 9.101 The application site is a strategic allocation in the LP. LP Policy S2 highlights the importance of strategic allocations to the enhancement of Buckingham town centre and sustainable growth in the AV [4.5]. Framework paragraph 60 highlights the Government objective of significantly boosting the supply of homes and paragraph 74 sets out the requirement to maintain a 5-year supply of deliverable housing sites [4.28].
- 9.102 The HLS SoCG [3.70] confirms that the latest 5-year HLS position for AV is 4.5-years for the period 2023 to 2028 [CD 4.34A]. The use of AV as the basis for the HLS calculation is queried on the basis that it should be done on the lpa area as a whole [7.6].
- 9.103 The lpa's approach is consistent with the PPG, which deals with calculating the 5-year HLS in new local authorities resulting from local government reorganisation. PPG says that planning policies adopted by predecessor authorities will remain part of the development plan for their area upon reorganisation until replaced or until the fifth anniversary of reorganisation. The Council was constituted in 2020 and the LP policies have not been replaced [4.2]. PPG goes on to say that strategic housing requirement policies can continue to be used as the housing requirement for calculating supply where they are less than 5 years old or older but have been reviewed and found not to need updating [6.28]. The former situation arises here in that the LP was only adopted in 2021. As such it is appropriate for the HLS Position Statement to be constructed on an AV basis and relying on the LP housing requirement figure [4.4 & 5].
- 9.104 Drawing the above together, as of September 2023, for the AV area, the HLS stands at 4.5-years for the period 2023-2028. Thus, in this case, the provisions of Framework paragraph 11(d)(ii) NPPF are engaged, and the "Tilted Balance" applies [6.27].

### *Flood Risk and Drainage*

- 9.105 Although not a matter raised in the call-in letter or at the CMC, the applicants and the lpa addressed flood risk and drainage as part of their evidence [5.30 – 5.33 & 6.26]. This is to address concerns raised by interested parties regarding flood incidents in the locality and further afield.
- 9.106 In 2021, the LLFA commissioned consultants under S19 of the Flood and Water Management Act to investigate flood events in December 2020 [CD 4.24]. Further to the requirements of LP Policies I4 and I5, BUC043 (i), (j) and (k), NP Policies I5, and the Framework, the application is accompanied by a FRA, a FRA Addendum and Supplementary Groundwater Monitoring (CDs 1.83 & 3.62 & 8.19). NP Policy I5 requires new buildings to provide facilities to collect rainwater for use. It is clear, the lpa and the applicants have ensured that there has been a comprehensive assessment of the potential flood risks and the need to provide for adequate drainage arising from this application.
- 9.107 The application site is located within Flood Zone 1 described as an area of low or very low flood risk from all other sources and a SuDs drainage system is

proposed which would manage and control run-off from the site, which would be covered by a suggested condition [8.2 & SC 8]. The FRA assessments undertaken show a significant reduction in the rate of runoff into the sewer in Bradfield Avenue and a material improvement in the rate of run off to the ditches to the east of Moreton Road [5.30].

9.108 Anglian Water has confirmed<sup>134</sup> network capacity for foul and SUDS drainage [5.31 & CD 9.51). The LLFA confirms there are no objections subject to conditions [CD 9.46]. I have no reason to disagree with these conclusions. As such the application would comply with the objectives of the Framework, LP Policies I4 and I5, LP Policy BUC043 and NP Policy I5. SC22 provides for the approval of a rainwater capture scheme and as such the application would comply with NP Policy I3 [8.5].

*Whether adequate provision would be secured to provide for additional facilities.*

9.109 Having regard to the CIL Compliance Schedule, the relevant planning policies and the Framework, the obligations and contributions agreed in Schedules 1 to 6 and 8 to 10 of the S106 Agreement comply with all the tests set out at Framework paragraph 57 and R122 of the CIL Regulations in that, a) they are necessary to make the development acceptable in planning terms, b) directly related to the development and, fairly and reasonably related in scale and kind to the development. Accordingly, these obligations and contributions have been considered when making the recommendation to the SoS.

9.110 The applicants dispute the requirement for one contribution, the payment of £405,261 referred to in Schedule 7, a Sports and Leisure Contribution on the basis that it fails all the Framework paragraph 57 and CIL R122 tests [5.59-5.61]. The CIL Compliance Schedule indicates that the payment would be used for the provision of an Arts and Cultural venue in Buckingham as suggested by BTC and/or the modernisation and refurbishment of several named sports facilities and the Moreton Road open space equipped play area suggested by the Parks and Recreation Officer [6.40]. It was confirmed that this latter element related to the replacement of a wooden climbing frame located on the open space area between Phases 1 and 2 and provided for by the S106 Agreement attached to the Phase 1 permission [6.40]. The climbing frame suffers from wood decay and is fenced off to prevent use [6.41].

9.111 LP Policy BUC043 criteria m requires the provision of amenity land. LP Policy I2 requires housing development of more than 10 units to provide sports and recreation facilities to secure adequate provision and to meet the additional demand for such facilities arising from the development. LP Appendix D identifies the standards for sports and recreation facilities and indicates they are the starting point for calculating the requirement. The precise type of on-site provision required will be negotiated on a case-by-case basis and will depend on the nature and location of the proposal, the existing facilities in the surrounding area and the quantity/type of sports and recreation facilities

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<sup>134</sup> Pre-Planning Assessment Report 28 June 2022, Available on Ipa Planning Applications Website.



needed in the area. The precise contribution will be calculated based on an Open Space, Sports, Leisure and Cultural Facilities SPD.

- 9.112 LP paragraph 11.25 says that a new SPD and RR will be produced after adoption of the LP. The new SPD/RR will detail how the policy is to be implemented on individual planning applications, provide advice on onsite and off-site provision and explain when financial contributions would be sought. The SPD/RR will replace the 2004 Sports and Leisure Facilities SPG and the 2005 RR, which provide details on what developments should provide [CD 4.18 & 4.19]. The SPD/RR referred to in the LP has not been prepared and to calculate the requirement for a development the lpa continues to use the SPG adopted in 2004 and RR updated in 2022.
- 9.113 The RR requires a financial contribution per dwelling based on property size with a proportionate reduction to the overall contribution where on-site facilities are provided [CD 4.18, Table 1 page 6]. The basis for the reduction is to take account of the public open space, playing pitches and equipped play facilities being provided. Calculating the allowance involves attributing a % to each facility by dividing the total cost of a specific facility within AV by the total cost of providing all facilities within the Vale then multiplying by 100 in accordance with Appendix 2 of the RR [CD 4.19]. Given the applicants are providing a series of facilities on the site, allowance reduces the applicants' overall contribution by 23.7%.
- 9.114 I agree with the applicants that the CIL Compliance Schedule does not address the necessity for the contribution or its relationship to the application. However, that omission was addressed in the closing submissions for the lpa. I have noted the applicants' comments regarding the scale of the agreed commuted sums. However, it not something that negates the need to consider whether it is necessary for the application to provide contributions to the sports and recreational facilities listed in the CIL Compliance Schedule. Accordingly little weight is attached to this point. However, a more fundamental and good point made is the basis that underpins the calculation of the requirement.
- 9.115 The 2004 SPG and the RR at that time were based on the findings of an *"...audit and assessment of sports and leisure facilities in Aylesbury Vale... carried out in 2003/2004."* and costings extant then [CD 4.18 paragraph 4.1]. The RR update produced in 2022 was produced solely to reflect the changes in facility costs since the 2005 Ready Reckoner was produced [CD 4.19 paragraph 0.0]. This means that the quantitative and qualitative deficiencies that the 2003/2004 audit identified are at least 20 years old. Given the passage of time and the likelihood that there has been a meaningful change in sports and recreational facilities this does not, in my view, constitute a sound basis for calculating the additional contribution that this application should provide.
- 9.116 Accordingly, I conclude that the lpa has failed to demonstrate that the contribution of £405,261 towards the provision of an Arts and Cultural Venue and/or the improvement, modernisation and refurbishment of several sports and leisure facilities are 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. Moreover, the provision and subsequent maintenance of the Moreton Road play equipment was provided for as part of the S106 Agreement for earlier phases of the development. In this situation, it strikes me as being completely unreasonable that Phase 3 should be required to contribute to the repair/replacement of this piece of equipment. Therefore, I have not taken the requirement for this contribution into account when coming to my conclusions and recommendation to the SoS.

#### *Other Matters*

9.117 Various references have been made to the loss of 11ha of agricultural land and the need to maintain food security. The official grading of these 2 fields was not before the inquiry and based on my experience, I believe it would fall to be considered as Grade 3A/B, moderate to good, and fall within the definition of Best and Most Versatile agricultural land. There is no evidence before the inquiry to indicate that the loss of this land would result in an adverse economic or operational effect on the holding to which it currently belongs. I note the concerns regarding national food security, however that is a matter to be determined by national policy and not as part of a S77 inquiry into a single development. Notwithstanding these points, it is a matter that would attract limited negative weight in the planning balance.

#### Consistency with the Development Plan

- 9.118 The development plan comprises the LP adopted in 2021 and the NP made in 2015. The lpa identifies conflict with 2 development plan policies, NP Policy HP1 and partial conflict with LP Policy T6. Notwithstanding these conflicts, the parties agree that the application accords with the development plan taken as a whole [5.51, 5.55 & 6.35].
- 9.119 Where there is conflict between the provisions of an adopted LP and a made NP, S38(5) of the Planning and Compulsory Purchase Act 2004 (PCPA) requires that any conflict between policies in different plans must be resolved in favour of the policy in the last plan to become part of the development plan. Here, the adopted LP takes precedence over the NP.
- 9.120 Regarding the conflict with LP Policy T6, the difference between the parties is not the quantum of parking space to be provided rather it relates to the dimensions of 52 spaces. LP Policy T6 requires all development to provide an appropriate level of car parking in accordance with standards set of out in Appendix B. The relevant part of the appendix is Table 6 and paragraph 6.2, where the minimum size of a car parking bay, is listed as 5m by 2.8m and spaces smaller than the minimum size are not considered a usable space.
- 9.121 All the parking spaces proposed are 5m in length but 52, 16%, are 2.5m wide, a difference of 30cm. That said, the lpa accepts that all the spaces are capable of use [5.57]. The requirement of LP Policy T6 is binary and as such there is conflict. However, given the acknowledgement that all the spaces are still usable and the limited degree of conflict, limited weight is attached to the conflict.

- 9.122 The applicants submit that the AH requirement in NP Policy HP5, which requires a minimum of 35% AH is not consistent with LP Policy H1, which requires a minimum of 25% AH [CD 4.4 page 35 & CD 4.1 page 182]. The application proposes the provision of 35% AH and the difference between the applicants and the lpa on this point is not the quantum of provision rather it is the weight that attaches to that provision. Given that both the LP and NP refer to the required provision as a minimum, there is in my view no inconsistency.
- Planning Balance.
- 9.123 The application site is a strategic housing allocation in the adopted local plan. Whilst the application conflicts with the Policy HP1 given the provisions of S38(5) of the PCPA 2004, the adopted LP takes precedence over the NP and as such the conflict is neutral.
- 9.124 There is conflict with LP Policy T6 in relation to the dimensions of 52 car parking spaces. However, the conflict is limited and there is no suggestion that the spaces would be unusable. The conflict is neutral in the planning balance.
- 9.125 The provision of 35% AH is in accordance with NP Policy HP5 and there is no inconsistency with LP Policy H1.
- 9.126 Based on my consideration of all the matters considered at the inquiry, the application accords with all the policies relevant to its determination.
- 9.127 The lpa cannot demonstrate a 5-year HLS and accepts that the provisions of Framework 11(d) are engaged i.e., where policies that are most important for determining the application are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.128 I agree with the lpa and applicants that the benefits attached to the early provision of OM housing, and economic, social and environmental benefits that would flow from the development, attract significant positive weight.
- 9.129 The provision of 35% AH accords with the requirement of the NP. Given this provision would materially exceed the minimum requirement of the LP, 25%, this provision attracts significant positive weight.
- 9.130 I acknowledge that the location and extent of the public open space area is a by-product of the landscape led approach required by LP Policy BUC043. However, the applicants are providing a significant amount of public open space more than the LP requires and includes a BMX track as requested by BTC. In this context, the public open space provision attracts significant positive weight.
- 9.131 BNG and limiting surface water run-off are requirements of the LP and the Framework and as such are neutral in the planning balance.

- 9.132 Given the limited scale of the adverse landscape effect of built development on the application site, and the limited loss of potentially Best and Most Versatile Land, these matters attract limited negative weight.
- 9.133 Drawing all the above together and having regard to the contents of the S106 Agreement except for Schedule 7, engaging either the flat balance required by S38(6), or the Tilted Balance engaged by Framework paragraph 11(d), the benefits of granting permission for this application clearly outweigh the limited harm that would arise. Accordingly, planning permission should be granted.

#### Conditions and S106 Agreement

- 9.134 Should the SoS agree with my recommendation and grant permission, the conditions listed in Annex A are necessary for the following reasons. Condition 2 is reasonable and necessary in the interests of providing certainty. Conditions 3, 4, 5 and 7 are reasonable and necessary in the interests of highway safety. Conditions 6, 10 and 22 are reasonable and necessary in the interests of promoting energy efficacy and water conservation. Condition 8 is reasonable and necessary in the interests of managing flood risk. Conditions 9, 14, 17 and 18 are reasonable and necessary in the interests of the appearance of the area. Conditions 11, 12, 13, 15, 21 and 23 are reasonable and necessary to conserve and promote biodiversity. Condition 16 is necessary in the interests of protecting neighbours' living conditions. Conditions 19, 24 and 25 are reasonable and necessary to ensure proper provision of facilities. Condition 20 is reasonable and necessary in the interests of preserving potential archaeological remains.
- 9.135 The obligations contained in the S106 Agreement, except for Schedule 7 Sports and Leisure [8.14] meet the tests set out in Framework paragraph 57 and CIL R122 and should be taken into account when reaching a decision.

#### **Recommendation**

- 9.136 That planning permission be granted subject to the conditions listed in Annex A.

*George Baird*

Inspector

## **ANNEX A**

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall only be carried out in accordance with drawing nos.:

Project No – 333100027

Site Location Plan PL-01A  
Context Plan PL-02A  
Planning Layout PL-03N  
Materials Layout PL-05E  
Adoption Layout PL-06C  
Amenity Check Layout PL-07C  
Affordable Housing Layout PL-08B  
Custom Build Plots PL-09A  
Site Sections SE-01C

Street Scenes SS-01 C  
Street Scenes SS-02C  
External Works Details DET-01B  
Perspective 01 PER-01A  
Perspective 02 PER-02  
Perspective 03 PER-03  
Perspective 04 PER-04  
Parking Schedule N

Private House Types

Salter-ST2B HT-SALTER-01-C  
Harper HA-3B HT-HARPER-01-C  
HP5 HT-HP5-01-B  
Reedmaker RE4B HT-REEDMAKER-01-C  
Blemmere BM 3B HT-BLEMMERE-01-C  
Blemmere BM 3B HT-BLEMMERE-02A  
Blemmere BM 3B HT-BLEMMERE-03  
Coppersmith CS 3B HT-COPPERSMITH-01-C  
Coppersmith CS 3B HT-COPPERSMITH-02-B  
MR1-Scrivener HT-MR1-01-C  
MR2-Quilter crank HT-MR2-01-D  
MR3-Quilter HT-MR3-01-C

MR3-Quilter HT-MR3-02-B  
Weaver HT-WEAVER-01-B  
Weaver HT-WEAVER-02  
Goldsmith HT-GOLDSMITH-01-D  
Goldsmith HT-GOLDSMITH-02A  
Arkwright AR4B HT-ARKWRIGHT-01-C  
Arkwright AR4BHT ARKWRIGHT 02  
Arkwright AR4B HT ARKWRIGHT 03 V1B  
Arkwright AR4B HT ARKWRIGHT 04 V1  
Watchmaker HT-WATCHMAKER-02-B  
Watchmaker HT-WATCHMAKER-03-B

#### Affordable House Types

2Bed-Baker M4(2) HT-2BED-02-B  
3Bed-Tillman M4(2) HT-3BED-01-C  
3Bed-Ploughwright M4(2) HT-3BED-02B  
4Bed-Cartographer M4(2) HT-4BED-01-C  
3Bed Bungalow HT-3B-BUNG-01-C  
1Bed Maisonette HT-1B-FLAT-01-C  
2Bed Maisonette HT-2B-MAISONETTE-01-B  
1&2 Bed Maisonette HT-1&2MAISONETTE-01-C

Project No - 24913

Bin and Cycle Store HT-BIN & CYL A  
Single Garage HT-GAR-01  
Dual Single Garage HT-GAR-02  
Double Garage HT-GAR-03  
Electric Sub Station HT-S/STATION

#### Aspect Landscape

Illustrative Landscape Strategy 5440/ASP5 I  
Planting Plan Overview 5440.PP.4.0 rev G  
Planting Plan 1 of 8 5440.PP.4.1 rev G  
Planting Plan 2 of 8 5440.PP.4.2 rev G  
Planting Plan 3 of 8 5440.PP.4.3 rev G  
Planting Plan 4 of 8 5440.PP.4.4 rev G  
Planting Plan 5 of 8 5440.PP.4.5rev G  
Planting Plan 6 of 8 5440.PP.4.6 rev G  
Planting Plan 7 of 8 5440.PP.4.7 rev G  
Planting Plan 8 of 8 5440.PP.4.8 rev G  
Playspace Plan 5440.PS.6.0rev D  
POS Detail Plan 5440.SK001 rev E

Pegasus Group

Rugby Pitches Design Proposals P20-0071\_01-B

*Reason: In the interests of proper planning and for the avoidance of doubt.*

3. No other part of the development shall be occupied until the development accesses have been laid out as shown on the approved Adoption Layout Ref PL-06 rev C, and constructed in accordance with Buckinghamshire Council's guidance note, 'Commercial Vehicular Access within Highway Limits'.

*Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the development, and to comply with Policy T5 of the Vale of Aylesbury Local Plan, and the guidance set out in the National Planning Policy Framework.*

4. The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be submitted to and 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.

*Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the development, and to comply with Policy T5 of the Vale of Aylesbury Local Plan, and the guidance set out in the National Planning Policy Framework.*

5. Prior to the occupation of the dwelling to which it relates, the vehicle and cycle parking, garaging and manoeuvring spaces shall be provided in accordance with the approved planning drawings, and that parking, garaging and manoeuvring spaces shall be retained and not thereafter be used for any other purpose, save for the garaging which may also be used for domestic storage purposes.

*Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, and to comply with Policies T5 and T6 of the Vale of Aylesbury Local Plan, and the guidance set out in the National Planning Policy Framework.*

6. Prior to the occupation of the development, details of the provision of electric charging points shall be submitted to and approved in writing by the local planning authority, and the electric charging points shall be implemented in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

*Reason: To ensure adequate provision is made for electric vehicles and to accord with the National Planning Policy Framework, and Policies T6 and T8 of the Vale of Aylesbury Local Plan.*

7. Prior to the commencement of any development works on the site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. The CTMP shall provide for the following:
  - Construction traffic routing details.

- Construction access details, temporary or otherwise.
- The parking of vehicles of site operatives and visitors off the highway.
- Loading and unloading of plant and materials and storage of plant and material used in constructing the development off the highway.
- Operating and delivery hours.
- The erection and maintenance of security hoarding.
- Wheel washing facilities.
- Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

*Reason: This is a pre-commencement condition which is required in order to minimise danger, obstruction and inconvenience to users of the highway during the construction of the development and therefore requires approval before any development commences. It is necessary to comply with Policy T5 of the Vale of Aylesbury Local Plan, and the guidance set out in the National Planning Policy Framework.*

8. No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is substantially completed. The scheme shall also include:
- Discharge rate for the residential area must be limited to 14l/s or less where infiltration as a means of surface water disposal is used to drain impermeable areas.
  - Discharge rate for the play area and sports pitches must be limited to 9.1l/s.
  - Groundwater level monitoring over the winter period (October to March).
  - Full construction details of all SuDS and drainage components.
  - Detailed drainage layout with pipe numbers, gradients and pipe sizes together with storage volumes of all SuDS components
  - Calculations to demonstrate that (a) the proposed drainage system can contain up to the 1 in 30 storm event without flooding, (b) any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event can be safely contained on site, and (c) the urban creep allowance is set to 10%.
  - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

*Reason: The reason for this pre-commencement condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraphs 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk, and to comply with Vale of Aylesbury Local Plan Policies D-BUC043, I4 and I5.*



9. The materials to be used on the external surfaces of the development hereby permitted shall be as set out on the approved Materials Layout, plan Ref: PL-05 rev E.

*Reason: To ensure a satisfactory appearance to the development and to comply with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.*

10. Prior to first occupation of any dwelling hereby permitted details shall be submitted to and approved in writing by the local planning authority to demonstrate how the dwellings shall achieve a 10% improvement over Building Regulation energy efficiency requirements. The submitted details are to be broadly in accordance with the Sustainability and Energy Statement Update (Turley, September 2023). The development shall then be carried out in strict accordance with the agreed details and the measures shall thereafter be retained for the lifetime of the development.

*Reason: To ensure that the development secures greater efficiency in the use of natural resources, minimises energy use and maximises the use of renewable energy in accordance with Policy C3 of the Vale of Aylesbury Local Plan, and the guidance set out in the National Planning Policy Framework.*

11. The development hereby permitted shall be carried out in accordance with the Ecological Appraisal (Aspect Ecology, dated March 2021, Ecology Addendum September 2023 and updated Biodiversity Net Gain Assessment September 2023) and shall incorporate the measures detailed therein. The measures shall thereafter be retained for the lifetime of the development.

*Reason: To ensure the development secures biodiversity net gain in accordance with Policy NE1 of the Vale of Aylesbury Local Plan, and the guidance set out in the National Planning Policy Framework.*

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include, but shall not be limited to, the following:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones."
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.

- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

*Reason: The reason for this pre-start condition is to ensure that satisfactory ecological and environmental details have been agreed prior to construction. It is required to comply with Policy NE1 of the Vale of Aylesbury Local Plan and with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).*

13. Prior to commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include, but shall not be limited to, the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved details.

*Reason: The reason for this pre-commencement condition is to ensure that satisfactory ecological and environmental details have been agreed prior to construction. It is required to comply with Policy NE1 of the Vale of Aylesbury Local Plan and with the requirements of the National Planning Policy Framework, ODPM 05/2006, The Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981 (as amended).*

14. The landscaping scheme as it applies to the amenity land as shown on Amenity Check Layout Plan Ref. PL-07C and the Aspect landscaping plans approved under Condition 2, shall be carried out in accordance with a phasing plan to be

submitted and approved prior to the commencement of development. The approved landscaping scheme shall be implemented not later than the first planting season following the first occupation of the dwellings in the relevant phase of development thereby permitted. Thereafter, 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 the same species, size and maturity.

*Reason: To ensure a satisfactory appearance to the development and to comply with Policy BE2 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.*

15. No site clearance or development shall take place until a detailed tree and hedgerow protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained has been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority this shall comprise a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan. Thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

1. There shall be no changes in ground levels.
2. No materials or plant shall be stored.
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan.
4. No materials or waste shall be burnt nor within 20 metres of any retained tree; and
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the local planning authority.

*Reason: Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection. This is required to minimise damage to the trees during building operations and to comply with Policy NE8 of the Vale of Aylesbury Local Plan and to accord with the National Planning Policy Framework.*

16. No dwelling shall be occupied until the boundary treatment to the garden area serving that dwelling has been installed in accordance with the approved Coloured Planning Layout Ref: PL-03 rev N.

*Reason: To ensure a satisfactory level of privacy for residents and to comply with Policy BE3 of the Vale of Aylesbury Local Plan.*

17. Prior to the commencement of works above slab level full details of a waste and recycling collection strategy shall be submitted and approved in writing by the

local planning authority. The approved waste and recycling collection strategy shall be implemented prior to the occupation of the dwellings to which it relates, and the approved waste collection areas shall be retained and shall not thereafter be used for any other purpose.

*Reason: For the avoidance of doubt and to ensure that the details of the development are acceptable to the local planning authority and to comply with the National Planning Policy Framework.*

18. No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the local planning authority, with reference to fixed datum point. The building(s) shall be constructed with the approved slab levels.

*Reason: This information is required prior to commencement of development to understand the levels of the site and the proposed level at which the development will be built to ensure that relationships within and outside of the development are acceptable and to ensure a satisfactory form of development and to comply with Policies BE2 and BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.*

19. Notwithstanding the details shown on the Aspect Landscape Plan Refs: 5440.SK001 rev E (POS Detail Plan) and 5440.PS.6.0 Rev D (Playspace Plan), full details of the layout of the proposed combined LEAP/NEAP area shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings hereby permitted. The development shall be carried out in accordance with the agreed details prior to the occupation of no more than 50% of the dwellings hereby permitted and shall thereafter be retained as such.

*Reason: To ensure an appropriate layout which takes into consideration the needs of both teenage boys and girls and to comply with Policy I2 of the Vale of Aylesbury Local Plan, Policy CLH2 of the Buckingham Neighbourhood Development Plan, and the guidance set out in the National Planning Policy Framework. For the avoidance of doubt this condition does not preclude any requirements of the s106 agreement in relation to the proposed pump track.*

20. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved scheme.

*Reason: To safeguard any archaeological evidence that may be present at the site and to comply with Policy BE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.*

21. Notwithstanding the details shown on Pegasus Plan Ref P20-0071\_01-B (Rugby Pitches Design Proposals), full details of the lighting scheme for the rugby

pitches shall be submitted to and approved in writing by the local planning authority before occupation of the 80th dwelling and shall thereafter be installed in accordance with the approved details and maintained while required for the lifetime of the development.

*Reason: To ensure satisfactory residential amenity and in the interests of biodiversity to ensure light-spill onto retained and newly created habitat is minimised in accordance with good practice guidance to reduce potential impacts on light sensitive bats (and other nocturnal fauna) to comply with Policies BE3 and NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.*

22. Prior to the first occupation of the dwellings to which they relate a scheme to capture rainwater for use by residents, i.e., by water butt or suitable alternative, shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the occupation of the dwelling(s) to which the approved details relate and shall be retained as such thereafter.

*Reason: In the interests of water efficiency and to accord with Policy I3 of the Buckingham Neighbourhood Development Plan and the guidance set out in the National Planning Policy Framework.*

23. Prior to the commencement of construction above slab level, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats in terms of disturbance from artificial lighting, such as in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed in public areas (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

*Reason: To ensure the protection of light-sensitive biodiversity and to comply with Policy NE1 of the Vale of Aylesbury Local Plan. Many species active at night are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established movement corridors or foraging areas. Such*

*disturbance can constitute an offence under relevant wildlife legislation. Limiting negative impacts of light pollution is also in line with paragraph 185 of the National Planning Policy Framework.*

24. In accordance with the details of the scheme hereby approved, 15% of the affordable housing dwellings (7 units) shall be constructed to comply with the requirements of Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings contained in Category 3 of Schedule 1 of the Building Regulations 2010 (as amended). Such provision shall be maintained for the lifetime of the development.

*Reason: To ensure the adequate provision of accessible and adaptable dwellings in accordance with Policy H6c of the Vale of Aylesbury Local Plan.*

25. In accordance with the dwelling design details hereby approved, all of the dwellings hereby permitted, except for the 15% of the affordable dwellings (7 units) subject to Condition 24 above, shall be constructed to comply with the optional requirement M4(2): Category 2 – Accessible and Adaptable Dwellings of the Building Regulations 2010 (as amended). Such provision shall be maintained for the lifetime of the development.

*Reason: To ensure the adequate provision of accessible and adaptable dwellings in accordance with Policy H6c of the Vale of Aylesbury Local Plan.*

## **ANNEX B – APPEARANCES**

### **FOR THE APPLICANT**

Mary Cook of Counsel instructed by Bellway Homes Limited and Avenue Farms Limited.

She called:

Stephen J Tucker BA (Hons) MSc MRTPI.  
Design Director, Stantec.

Dr Dan Simpson BSc (Hons), PhD (Bris), Cocol, MCIEEM.  
Technical Director, Aspect Ecology.

Colin Whittingham BSc (Hons) MSc MCIWEM C.WEM PIEMA.  
Director, Land & Development Engineering Division, RSK Engineering &  
Environmental Consultancy.

Stephanie Howard BSc (Hons), MSc CTPP FCIHT CMILT MInstLM,  
Technical Director, WSP.

Roger Welchman BSc Dip TP.  
Associate, Armstrong Rigg Planning.

James Morton BA (Hons) MA LA CMLI.  
Associate, Aspect Landscape Planning.

### **FOR THE LOCAL PLANNING AUTHORITY**

Caroline Daly of Counsel instructed by Buckinghamshire Council.

She called:

Neil Deely BA (Hons) Dip. Arch ARB RIBA NAL FRSA  
Co-Founder & Partner, Metropolitan Workshop.

Nina Hewitt-Jones MA MRTPI  
Principal Planning Officer, Buckinghamshire Council

### **Buckingham Town Council**

Cllr. Mark Cole JP. Chairman BTC Planning Committee.  
Katherine McElligott. Clerk to the Planning Committee.  
Claire Molyneux Town Clerk.  
Louise Stubbs Deputy Town Clerk.

### **Interested Persons**

Simon Mallett  
Resident.

**Annex C****CORE DOCUMENTS and DOCUMENTS SUBMITTED AT THE INQUIRY.****CD1 – Application Plans & Documents**

Reference	Drawing Title	Drawing Reference	Rev	Date	Prepared By
CD1.01	Site Location Plan	PL-01		Feb 2020	Stantec
CD1.02	Context Plan	PL-02		Feb 2020	Stantec
CD1.03	Planning Layout	PL-03	M	Feb 2022	Stantec
CD1.04	Materials Layout	PL-05	D	May 2022	Stantec
CD1.05	Adoption Layout	PL-06	B	Feb 2022	Stantec
CD1.06	Amenity Check Layout	PL-07	B	Feb 2022	Stantec
CD1.07	Affordable Housing Layout	PL-08	A	Apr 2022	Stantec
CD1.08	Custom Build Plots	PL-09		July 2022	Stantec
CD1.09	External Works Details	DET-01		Feb 2020	Stantec
CD1.10	Bin and Cycle Store	HT-BIN & CYL	A	Mar 2021	Stantec
CD1.11	Single Garage	HT-GAR-01		Feb 2020	Stantec
CD1.12	Dual Single Garage	HT-GAR-02		Feb 2020	Stantec
CD1.13	Double Garage	HT-GAR-03		Feb 2020	Stantec
CD1.14	Electric Sub Station	HT-S/STATION		Feb 2020	Stantec
CD1.15	Rugby Pitches Design Proposals	P20-0071_01-B		Feb 2020	Turley
<b>Private House Types</b>					
CD1.16	Salter-ST2B	HT-SALTER-01	B	Feb 2022	Stantec
CD1.17	Harper HA-3B	HT-HARPER-01	B	Feb 2022	Stantec
CD1.18	HP5	HT-HP5-01	A	Feb 2022	Stantec
CD1.19	Reedmaker RE4B	HT-REEDMAKER-01	B	Feb 2022	Stantec
CD1.20	Blemmere BM 3B	HT-BLEMMERE-01	B	Feb 2022	Stantec
CD1.21	Blemmere BM 3B	HT-BLEMMERE-02	-	Feb 2022	Stantec
CD1.22	Coppersmith CS 3B	HT-COPPERSMITH-01	B	Feb 2022	Stantec
CD1.23	Coppersmith CS 3B	HT-COPPERSMITH-02	A	Feb 2022	Stantec
CD1.24	MR1-Scrivener	HT-MR1-01	B	Feb 2022	Stantec
CD1.25	MR2-Quilter crank	HT-MR2-01	C	Feb 2022	Stantec
CD1.26	MR3-Quilter	HT-MR3-01	B	Feb 2022	Stantec
CD1.27	MR3-Quilter	HT-MR3-02	A	Feb 2022	Stantec
CD1.28	Weaver	HT-WEAVER-01	A	Feb 2022	Stantec
CD1.29	Goldsmith	HT-GOLDSMITH-01	C	Feb 2022	Stantec
CD1.30	Goldsmith	HT-GOLDSMITH-02	-	Feb 2022	Stantec
CD1.31	Arkwright AR4B	HT-ARKWRIGHT-01	B	Feb 2022	Stantec
CD1.32	Arkwright AR4B	HT-ARKWRIGHT-02 V1	A	Feb 2022	Stantec
CD1.33	Watchmaker	HT-WATCHMAKER-01	A	Feb 2022	Stantec



CD1.34	Watchmaker	HT-WATCHMAKER-02	A	Feb 2022	Stantec
CD1.35	Watchmaker	HT-WATCHMAKER-03	A	Feb 2022	Stantec
<b>Affordable House Types</b>					
CD1.36	2Bed-Baker M4(2)	HT-2BED-02	A	Feb 2022	Stantec
CD1.37	3Bed-Tillman M4(2)	HT-3BED-01	A	Feb 2022	Stantec
CD1.38	3Bed-Ploughwright M4(2)	HT-3BED-02	-	Feb 2022	Stantec
CD1.39	4Bed-Cartographer M4(2)	HT-4BED-01	B	Feb 2022	Stantec
CD1.40	3Bed Bungalow	HT-3B-BUNG-01	B	Feb 2022	Stantec
CD1.41	1Bed Maisonette	HT-1B-FLAT-01	B	Feb 2022	Stantec
CD1.42	2Bed Maisonette	HT-2B-MAISONETTE-01	A	Feb 2022	Stantec
CD1.43	1&2Bed Maisonette	HT-1&2MAISONETTE-	B	Feb 2022	Stantec
CD1.44	Parking Schedule		M	Feb 2022	Stantec
CD1.45	Site Sections	SE-01	A	Mar 2021	Stantec
CD1.46	Street Scenes	SS-01	A	Mar 2021	Stantec
<b>Landscape Drawings</b>					
CD1.47	Illustrative Landscape Strategy	5440/ASP5	G	Feb 2020	Aspect Landscape
CD1.48	Planting Plan Overview	5440.PP.4.0	E	Feb 2022	Aspect Landscape
CD1.49	Planting Plan 1 of 8	5440.PP.4.1	E	Feb 2022	Aspect Landscape
CD1.50	Planting Plan 2 of 8	5440.PP.4.2	E	Feb 2022	Aspect Landscape
CD1.51	Planting Plan 3 of 8	5440.PP.4.3	E	Feb 2022	Aspect Landscape
CD1.52	Planting Plan 4 of 8	5440.PP.4.4	E	Feb 2022	Aspect Landscape
CD1.53	Planting Plan 5 of 8	5440.PP.4.5	E	Feb 2022	Aspect Landscape
CD1.54	Planting Plan 6 of 8	5440.PP.4.6	E	Feb 2022	Aspect Landscape
CD1.55	Planting Plan 7 of 8	5440.PP.4.7	E	Feb 2022	Aspect Landscape
CD1.56	Planting Plan 8 of 8	5440.PP.4.8	E	Feb 2022	Aspect Landscape
CD1.57	Playspace Plan	5440.PS.6.0	D	Mar 2021	Aspect Landscape
CD1.58	POS Detail Plan	5440.SK001	C	Mar 2021	Aspect Landscape
CD1.59	Planning Application Cover letter & Forms			10.2.2020	ARP
CD1.60	Planning Statement			10.2.2020	ARP
CD1.61	DAS			10.2.2020	Stantec
CD1.62	Transport Assessment			10.2.2020	WSP
CD1.63	Travel Plan			10.2.2020	WSP
CD1.64	Heritage Statement			10.2.2020	RPS
CD1.65	Archaeology WSI			10.2.2020	Archaeologica
CD1.66	FRA			10.2.2020	HAC
CD1.67	LVIA			10.2.2020	Aspect Landscape
CD1.68	AIA			10.2.2020	Aspect Arboriculture
CD1.69	ECIA			10.2.2020	Aspect Ecology
CD1.70	Sustainability and Energy Statement			10.2.2020	Turley
CD1.71	Rugby Pitches Spec and Maintenance Plan			10.2.2020	Pegasus

CD1.72	Landscape and Visual Briefing Note			8.7.2020	Aspect Landscape
CD1.73	Planning Agent letter			10.3.2021	ARP
CD1.74	Technical Note 1			10.3.2021	WSP
CD1.75	Travel Plan			10.3.2021	WSP
CD1.76	Ecological Appraisal			10.3.2021	Aspect Ecology
CD1.77	Habitat Management Plan			10.3.2021	Aspect Ecology
CD1.78	Toddler, Junior Play Vale Assessment			10.3.2021	ROSPA
CD1.79	Landscape and Visual Technical Note			25.6.2021	Aspect Landscape
CD1.80	Heritage Note			25.6.2021	RPS
CD1.81	Planning Agent letter			8.2.2022	ARP
CD1.82	Landscape and Visual Technical Note			8.2.2022	Aspect Landscape
CD1.83	Updated FRA			21.3.2022	SOLID
CD1.84	Teenage Play Value Assessment			6.4.2022	ROSPA
CD1.85	Planning Agent letter			28.4.2022	ARP
CD1.86	Wire Frame			31.5.2022	Aspect Landscape
CD1.87	Foul and Surface Water Drainage Pre-Assessment Report			4.7.2022	Anglian Water
CD1.88	Technical Note 2			11.7.2022	WSP
CD1.89	Response to 3 <sup>rd</sup> Party BNG Comments			29.7.2022	Aspect Ecology

### **CD2 – Committee Reports and Minutes.**

Reference	Document	Date
CD2.01	Buckinghamshire Council Report to Strategic Planning Committee	01.09.2022
CD2.02	Buckinghamshire Council Strategic Sites Committee Agenda Supplement – Agenda Item 4	01.09.2022
CD2.03	Committee minute	01.09.2022

### **CD3 – Application Plans & Documents submitted post call-in.**

Reference	Drawing Title	Drawing Reference	Rev	Date	Prepared By
CD3.01	Site Location Plan	PL-01	A	5.9.2023	Stantec
CD3.02	Context Plan	PL-02	A	5.9.2023	Stantec
CD3.03	Planning Layout	PL-03	N	5.9.2023	Stantec
CD3.04	Materials Layout	PL-05	E	5.9.2023	Stantec
CD3.05	Adoption Layout	PL-06	C	5.9.2023	Stantec
CD3.06	Amenity Check Layout	PL-07	C	5.9.2023	Stantec

CD3.07	Affordable Housing Layout	PL-08	B	5.9.2023	Stantec
CD3.08	Custom Build Plots	PL-09	A	5.9.2023	Stantec
CD3.09	Site Sections	SE-01	C	5.9.2023	Stantec
CD3.10	Street Scenes	SS-01	C	5.9.2023	Stantec
CD3.11	Street Scenes	SS-02	C	5.9.2023	Stantec
CD3.12	External Works Details	DET-01	B	5.9.2023	Stantec
CD3.13	Perspective 01	PER-01	A	5.9.2023	Stantec
CD3.14	Perspective 02	PER-02	-	5.9.2023	Stantec
CD3.15	Perspective 03	PER-03	-	5.9.2023	Stantec
CD3.16	Perspective 04	PER-04	-	5.9.2023	Stantec
CD3.17	Parking Schedule	N	N	5.9.2023	Stantec
<b>Private House Types</b>					
CD3.18	Salter-ST2B	HT-SALTER-01	C	5.9.2023	Stantec
CD3.19	Harper HA-3B	HT-HARPER-01	C	5.9.2023	Stantec
CD3.20	HP5	HT-HP5-01	B	5.9.2023	Stantec
CD3.21	Reedmaker RE4B	HT-REEDMAKER-01	C	5.9.2023	Stantec
CD3.22	Blemmere BM 3B	HT-BLEMMERE-01	C	5.9.2023	Stantec
CD3.23	Blemmere BM 3B	HT-BLEMMERE-02	A	5.9.2023	Stantec
CD3.24	Blemmere BM 3B	HT-BLEMMERE-03	-	5.9.2023	Stantec
CD3.25	Coppersmith CS 3B	HT-COPPERSMITH-01	C	5.9.2023	Stantec
CD3.26	Coppersmith CS 3B	HT-COPPERSMITH-02	B	5.9.2023	Stantec
CD3.27	MR1-Scrivener	HT-MR1-01	C	5.9.2023	Stantec
CD3.28	MR2-Quilter crank	HT-MR2-01	D	5.9.2023	Stantec
CD3.29	MR3-Quilter	HT-MR3-01	C	5.9.2023	Stantec
CD3.30	MR3-Quilter	HT-MR3-02	B	5.9.2023	Stantec
CD3.31	Weaver	HT-WEAVER-01	B	5.9.2023	Stantec
CD3.32	Weaver	HT-WEAVER-02	-	5.9.2023	Stantec
CD3.33	Goldsmith	HT-GOLDSMITH-01	D	5.9.2023	Stantec
CD3.34	Goldsmith	HT-GOLDSMITH-02	A	5.9.2023	Stantec
CD3.35	Arkwright AR4B	HT-ARKWRIGHT-01	C	5.9.2023	Stantec
CD3.36	Arkwright AR4B	HT-ARKWRIGHT 02	-	5.9.2023	Stantec
CD3.37	Arkwright AR4B	HT-ARKWRIGHT 03	V1B	5.9.2023	Stantec
CD3.38	Arkwright AR4B with Bay	HT-ARKWRIGHT 04-V1	-	5.9.2023	Stantec
CD3.39	Watchmaker	HT-WATCHMAKER-02	B	5.9.2023	Stantec
CD3.40	Watchmaker	HT-WATCHMAKER-03	B	5.9.2023	Stantec
<b>Affordable House Types</b>					
CD3.41	2Bed-Baker M4(2)	HT-2BED-02	B	5.9.2023	Stantec
CD3.42	3Bed-Tillman M4(2)	HT-3BED-01	C	5.9.2023	Stantec
CD3.43	3Bed-Ploughwright M4(2)	HT-3BED-02	B	5.9.2023	Stantec
CD3.44	4Bed-Cartographer M4(2)	HT-4BED-01	C	5.9.2023	Stantec
CD3.45	3Bed Bungalow	HT-3B-BUNG-01	C	5.9.2023	Stantec
CD3.46	1Bed Maisonette	HT-1B-FLAT-01	C	5.9.2023	Stantec
CD3.47	2Bed Maisonette	HT-2B-MAISONETTE-01	B	5.9.2023	Stantec

CD3.48	1&2Bed Maisonette	HT-1&2 MAISONETTE-01	C	5.9.2023	Stantec
<b>Landscape Drawings</b>					
CD3.49	Illustrative Landscape Strategy	5440/ASP5	I	5.9.2023	Aspect Landscape
CD3.50	Planting Plan Overview	5440.PP.4.0B	G	5.9.2023	Aspect Landscape
CD3.51	Planting Plan 1 of 8	5440.PP.4.1B	G	5.9.2023	Aspect Landscape
CD3.52	Planting Plan 2 of 8	5440.PP.4.2B	G	5.9.2023	Aspect Landscape
CD3.53	Planting Plan 3 of 8	5440.PP.4.3B	G	5.9.2023	Aspect Landscape
CD3.54	Planting Plan 4 of 8	5440.PP.4.4B	G	5.9.2023	Aspect Landscape
CD3.55	Planting Plan 5 of 8	5440.PP.4.5B	G	5.9.2023	Aspect Landscape
CD3.56	Planting Plan 6 of 8	5440.PP.4.6B	G	5.9.2023	Aspect Landscape
CD3.57	Planting Plan 7 of 8	5440.PP.4.7B	G	5.9.2023	Aspect Landscape
CD3.58	Planting Plan 8 of 8	5440.PP.4.8B	G	5.9.2023	Aspect Landscape
CD3.59	POS Detail Plan	5440.SK001	E	5.9.2023	Aspect Landscape
<b>Reports</b>					
CD3.60	Ecology Addendum			5.9.2023	Aspect Ecology
CD3.61A	Biodiversity Net Gain Assessment			5.9.2023	Aspect Ecology
CD3.61B	The Biodiversity Metric 4.0 – Calculation Tool			5.9.2023	Aspect Ecology
CD3.62	Flood Risk Assessment Technical Update			5.9.2023	RSK LDE
CD3.63	Sustainability and Energy Statement Update			5.9.2023	Turley
CD3.64	Updated Transport Assessment			12.9.2023	WSP
CD3.65	Call-In DAS			5.9.2023	Stantec
CD3.66	Cover letter to PINS			5.9.2023	ARP
CD3.67	S106 agreement dated 1.11.23			1.11.23	
CD3.68	CIL Compliance schedule				
CD3.69	Statement Of Common Ground			12.09.2023	Bellway Homes & Buckinghamshire Council
CD3.70	5year Housing Land Supply Statement of Common Ground			03.10.2023	Bellway Homes & Buckinghamshire Council
CD3.71	Transport Statement of Common Ground			03.10.2023	WSP
CD3.72	Applicants Statement of Case			July 2023	Armstrong Rigg
CD3.73	Buckinghamshire Council Statement of Case				Buckinghamshire Council`
<b>Applicant Proofs of Evidence</b>					
CD3.74	Applicant Proof of Evidence			September 2023	Armstrong Rigg
CD3.75	Applicant Proof of Evidence Errata			03.10.2023	Armstrong Rigg
CD3.76	Urban Design Proof of Evidence			September 2023	Stantec

CD3.77	Ecology Proof of Evidence			15.09.2023	Aspect Ecology
CD3.77A	Ecology PoE Appendices			15.09.2023	Aspect Ecology
CD3.78	Flood Risk and Drainage proof of Evidence			26.08.2022	LDE
CD3.79	Transport Proof of Evidence			September 2023	WSP
CD3.79A	Transport PoE Appendices			September 2023	WSP
CD3.80	Landscape Proof of Evidence			September 2023	Aspect Landscape
CD3.80A	Landscape PoE Appendices			September 2023	Aspect Landscape
CD3.81	Heritage Proof of Evidence			September 2023	RPS
CD3.81A	Heritage PoE Appendices			September 2023	RPS
LPA Proofs of Evidence					
CD3.82	Nina Hewitt-Jones Proof of Evidence			September 2023	Buckinghamshire Council
CD3.82A	Nina Hewitt-Jones PoE Appendices			September 2023	Buckinghamshire Council
CD3.82B	Nina Hewitt-Jones PoE Appendices			September 2023	Buckinghamshire Council
CD3.83	Nina Hewitt-Jones Summary of Proof of Evidence			September 2023	Buckinghamshire Council
CD3.84	Draft Conditions and Reasons			19.09.2023	Buckinghamshire Council
CD3.85	Neil Deely Design Proof of Evidence			17.09.2023	Neil Deely
CD3.86	Aylesbury Vale Area 5 Year Housing Land Supply Position Statement			September 2023	Buckinghamshire Council
Inquiry Documents					
CD3.87	Ecology Note for Inspector			17.10.2023	Aspect Ecology
CD3.88	Mary Cook Opening Statement			17.10.2023	Mary Cook
CD3.89	Caroline Daly Opening Statement			17.10.2023	Caroline Daly
CD3.90	RoSPA Timeline			19.10.2023	Aspect Landscape
CD3.91	Pre-commencement condition letter			20.10.2023	ARP
CD3.92	Mr Mallett Inquiry presentation			24.10.2023	Mr Mallett
CD3.93	BTC Closing Statement			24.10.2023	BTC
CD3.94	Caroline Daly Closing Statement on behalf of Buckinghamshire Council			24.10.2023	Caroline Daly

CD3.95	Mary Cook Closing Statement on behalf of applicants			24.10.2023	Mary Cook
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#### **CD4 - Development Plan & Local Planning Policies**

<b>Reference</b>	<b>Document</b>	<b>Date</b>
CD4.01	Adopted VALP	September 2021
CD4.02	VALP LP Inspectors Report	
CD4.03	VALP LP Inspectors Main Modifications	
CD4.04	Buckingham Neighbourhood Development Plan	2015
CD4.05	BNDP Examiners Report	
CD4.06	Biodiversity Net Gain Supplementary Planning Document	July 2022
CD4.07	Interim Strategic Significance & Spatial Risk Guidance for Biodiversity Net Gain in Buckinghamshire Council's Local Planning Authority Area	Feb 2023
CD4.08	Aylesbury Vale Landscape Character Assessment (LCA) 1 - Wooded Ridge	May 2008
CD4.09	Aylesbury Vale Landscape Character Assessment (LCA) 1.4 Stowe Registered Parkland	May 2008
CD4.10	Aylesbury Vale Landscape Character Assessment (LCA) 1.7 Maids Moreton Plateau	May 2008
CD4.11	Aylesbury Vale Landscape Character Assessment (LCA) 2 - Incised Valleys	May 2008
CD4.12	Aylesbury Vale Landscape Character Assessment (LCA) 2.4 - Stowe Park Approaches	May 2008
CD4.13	AVDC LP Policy BU.1 and Policies Map	2004
CD4.14	BC AMR 2020-21	July 2022
CD4.15	BC 5year HLS Position Statement	2022
CD4.16	Maids Moreton Conservation Area Appraisal	2009
CD4.17	The Moreton Road Planning Brief	2005
CD4.18	Sport and Leisure Facilities SPG	August 2004
CD4.19	Sport and Leisure Facilities SPG companion document	2022
CD4.20	Aylesbury Vale Area Design SPD	June 2023
CD4.21	Aylesbury Vale Area Affordable housing SPD (draft)	May 2022
CD4.22	Level 1 Aylesbury Vale Strategic Flood Risk Assessment	2017
CD4.23	The Level 2 SFRA	2017
CD4.24	Buckingham Section 19 Flood Investigation	Feb 2022
CD4.25	Buckingham Transport Strategy	2017
CD4.26	Buckingham Transport Strategy Summary	2016
CD4.27	Infrastructure delivery plan	Sept 2017
CD4.28	Infrastructure delivery plan appendix A	Sept 2017
CD4.29A	Strategic Landscape and Visual Impact Capacity Study	2017
CD4.29B	District Overview and Potential Green Infrastructure/Developable Areas Plans	
CD4.30	Guidance on Planning Obligations for Education Provision	Nov 2021

CD4.31	Buckinghamshire Council Local Transport Plan 4	Mar 2016
CD4.32	Buckingham Vision and Design Statement	2001
CD4.33	VALP Viability Assessment	Aug 2017
CD4.34	Aylesbury Vale Area 5year HLS Position Statement	Sep 2023
CD4.35	Good Practice Guide for the Provision of POS	Jan 2004

### **CD5 – National Policy, Guidance and Legislation**

Reference	Document	Date
CD5.01	National Planning Policy Framework	September 2023
CD5.02	NPPG: Before Submitting an Application	
CD5.03	NPPG: Design: process and tools	
CD5.04	NPPG: Determining a Planning Application	
CD5.05	NPPG: Housing supply and delivery	
CD5.06	NPPG: Natural Environment	
CD5.07	NPPG: Neighbourhood Planning	
CD5.08	NPPG: Open space, sports and recreation facilities, public rights of way and local green space	
CD5.09	NPPG: Planning Obligations	
CD5.10	NPPG: Travel plans, transport assessments and statements in decision-taking	
CD5.11	NPPG: Use of Planning Conditions	
CD5.12	Guidance for Outdoor Sport and Play England	November 2020
CD5.13	Home Builders Federation Report	30.1.2015
CD5.14	Homes and Communities Agency Report	2015
CD5.15	Natural England (March 2023) Natural England Joint Publication JP039. Biodiversity Metric 4.0: auditing and accounting for biodiversity – User Guide, Para. 9.2.1	2023
CD5.16	NPPG: Historic Environment	
CD5.17	National Model Design Code	2021
CD5.18	National Design Guide	2021
CD5.19	Environment Act	2021
CD5.20	Church of St Peter and St Paul listed description	
CD5.21	The setting of heritage assets	Dec 2017
CD5.22	Stowe listed description	
CD5.23	NPPG: Flood Risk and Coastal Change	

### **CD6 - Planning Inspectorate/Secretary of State Correspondence/Relevant Appeal/Call-In Decisions**

Reference	Document	Date
CD6.01	Greg Smith Call-in Letter	31.10.2022
CD6.02	Moreton Road SoS Call-In Decision	19.7.2017
CD6.03	Moreton Road Phase 2 Appeal decision	29.1.2013

CD6.04	Malmesbury Appeal Decisions	5.1.2022
CD6.05	Westhampnett Appeal Decision	27.5.2022
CD6.06	Bishops Itchington Appeal Decision	1.12.2022
CD6.07	Maitland Lodge, Appeal Decision	11.11.2022
CD6.08	Sandalford, Newbury Appeal Decision	6.5.2022
CD6.09	Moreton Road, Buckingham Call-In letter	17.5.2023
CD6.10	CMC Summary Note	1.8.2023
CD6.11	Seaford Appeal Decision	29.8.2023

**CD7.0 – Representations at Call-In Stage**

Reference	Document	Date
CD7.01	Summary of Objectives document by BTC	July 2023
CD7.02	Mr J Bloss	14.7.2023
CD7.03	L Cobb	26.6.2023
CD7.04	Gardens Trust	10.7.2023
CD7.05	Akeley Parish Council	6.7.2023
CD7.06	Mrs P Ellis	28.6.2023
CD7.07	Ian Brook	6.7.2023
CD7.08	K Pryke	undated
CD7.09	S Mallett	23.7.2023
CD7.10	Maids Moreton & Foscothe Action Group	28.09.2023
CD7.11	Mr J Bloss	06.10.2023
CD7.12	Mr A Bullock	06.10.2023
CD7.13A	Buckinghamshire Healthcare NHS Trust Comment	06.10.2023
CD7.13B	Buckinghamshire Healthcare NHS Trust Calculation	06.10.2023
CD7.14	Mr J Bloss	13.10.2023
CD7.15	Mr S Mallett – Maids Moreton Traffic Survey	16.10.2023
CD7.16	Mr S Mallett – Traffic Flow Figures	16.10.2023
CD7.17	NHS S106 Request Withdrawal	19.10.2023

**CD8.0 – Miscellaneous**

Reference	Document	Date
CD8.01	Notification letter	11.9.2023
CD8.02	Circulation list	11.9.2023
CD8.03	Moreton Road Highway Extents Plan	11.9.2023
CD8.04	Maids Moreton application 16/00151/AOP planning permission	24.3.2022
CD8.05A	Maids Moreton application 16/00151/AOP S106 Part 1	24.3.2022
CD8.05B	Maids Moreton application 16/00151/AOP S106 Part 2	24.3.2022
CD8.05C	Maids Moreton application 16/00151/AOP S106 Part 3	24.3.2022
CD8.06	Maids Moreton application 16/00151/AOP committee report	19.11.2020
CD8.07	Maids Moreton application 16/00151/AOP officer report	24.3.2022
CD8.08	Maids Moreton application 16/00151/AOP High Court Decision	16.11.2022
CD8.09	IHT, Providing for Journeys on Foot	2000
CD8.10	CIHT, Buses in Urban Developments	2018
CD8.11	Manual for Streets, DfT	2007
CD8.12	LTN01/20 Cycle Infrastructure Design, DfT	2020
CD8.13	DCLG, PPG13	2011
CD8.14	Planning for Cycling, Chartered Institution of Highways and Transportation	2014
CD8.15	Planning for Walking, , CIHT	2015
CD8.16	Chiltern Beechwoods SAC ZoI	2022



CD8.17	Chiltern Beechwoods SAC Frequently Asked Questions document	August 2023
CD8.18	Rugby Club Statement in support of application 23/01861	Undated
CD8.19	Supplementary Groundwater monitoring	April 2023
CD8.20	Ph1 and Ph2 Geo site assessment	Feb 2022
CD8.21	Guidelines for Landscape and Visual Impact Assessment	2013
CD8.22	Aspect Site Allocations Plan	2023
CD8.23	Aspect VALP Policy Designations Plan	2023
CD8.24	Aspect BNDP Policy Designations Plan	2023
CD8.25	R (University Hospitals of Leicester NHS Trusts) v Harborough District Council [2023] EWHC 263 (Admin)	13.02.2023
CD8.26	The King (Worcestershire Acute Hospitals NHS Trust v Malvern Hills District Council [2023] EWHC 1995 (Admin)	31.07.2023
CD8.27	Supplemental Note on NHS Contributions & Compliance with Reg 122 of CIL Regs	17.10.2023
CD8.28	DLUHC Council Leaders Letter	8.9.2023

### **CD9.0 – Consultee Responses**

	<b>Consultation Responses</b>		
CD9.01	Natural England Consultation Response	Undated	Natural England
CD9.02	Recycling and Waste Consultation Response	Undated	Buckinghamshire Council
CD9.03	Rights of Way Consultation Response	14.02.2020	Buckinghamshire County Council
CD9.04	Drainage Board Consultation Response	21.02.2020	Buckingham and River Ouzel Drainage Board
CD9.05	Affordable Housing Consultation Response	25.02.2020	Aylesbury Vale District Council
CD9.06	Archaeology Consultation Response	26.02.2020	Buckinghamshire County Council
CD9.07	Town Council Consultation Response	26.02.2020	Buckingham Town Council
CD9.08	Parks and Recreation Consultation Response	03.03.2020	Aylesbury Vale District Council
CD9.09	Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust Consultation Response	03.03.2020	The Wildlife Trusts
CD9.10	Crime Prevention Design Advisor Consultation Response	02.03.2020	Thames Valley Police
CD9.11	Protected Species Consultation Response	02.03.2020	Aylesbury Vale District Council
CD9.12	Sustainable Drainage Consultation Response	12.03.2020	Buckinghamshire County Council
CD9.13	Heritage Consultation Response	12.03.2020	Aylesbury Vale District Council
CD9.14	Highways Development Management Consultation Response	13.03.2020	Buckinghamshire County Council
CD9.15	Ecology Consultation Response	19.03.2020	Aylesbury Vale District Council
CD9.16	Historic England Consultation Response	26.03.2020	Historic England
CD9.17	Ecology Consultation Response	01.04.2020	Buckinghamshire Council
CD9.18	Natural England Consultation Response	08.04.2020	Natural England

CD9.19	Buckinghamshire Healthcare NHS Trust Consultation Response Part 1	12.04.2020	Buckinghamshire Healthcare NHS Trust
CD9.20	Buckinghamshire Healthcare NHS Trust Consultation Response Part 2	12.04.2020	Buckinghamshire Healthcare NHS Trust
CD9.21	Highways Development Management Consultation Response	14.04.2020	Buckinghamshire Council
CD9.22	Parks and Recreation Consultation Response	21.04.2020	Buckinghamshire Council
CD9.23	The Gardens Trust Consultation Response	27.04.2020	The Gardens Trust
CD9.24	Education Consultation Response	15.05.2020	Buckinghamshire Council
CD9.25	The Gardens Trust Consultation Response	17.03.2021	The Gardens Trust
CD9.26	Rights of Way Consultation Response	19.03.2021	Buckinghamshire Council
CD9.27	Historic England Consultation Response	22.03.2021	Historic England
CD9.28	Crime Prevention Design Advisor Consultation Response	24.03.2021	Thames Valley Police
CD9.29	Buckingham Town Council Consultation Response	25.03.2021	Buckingham Town Council
CD9.30	Ecology Consultation Response	25.03.2021	Buckinghamshire Council
CD9.31	Maids Moreton Parish Council Consultation Response	29.03.2021	Maids Moreton Parish Council
CD9.32	Drainage Board Consultation Response	31.03.2021	Buckingham and River Ouzel Drainage Board
CD9.33	Parks and Recreation Consultation Response	07.04.2021	Buckinghamshire Council
CD9.34	Affordable Housing Consultation Response	13.04.2021	Buckinghamshire Council
CD9.35	Highways Development Management Consultation Response	14.05.2021	Buckinghamshire Council
CD9.36	Parks and Recreation Consultation Response	19.07.2021	Buckinghamshire Council
CD9.37	The Gardens Trust Consultation Response	18.11.2021	The Gardens Trust
CD9.38	The Gardens Trust Consultation Response	24.11.2021	The Gardens Trust
CD9.39	Rights of Way Consultation Response	17.03.2022	Buckinghamshire Council
CD9.40	Crime Prevention Design Advisor Consultation Response	17.03.2022	Thames Valley Police
CD9.41	Affordable Housing Consultation Response	22.03.2022	Buckinghamshire Council
CD9.42	Historic England Consultation Response	25.03.2022	Historic England
CD9.43	Heritage Consultation Response	27.03.2022	Buckinghamshire Council
CD9.44	Parks and Recreation Consultation Response	29.03.2022	Buckinghamshire Council
CD9.45	Recycling and Waste Consultation Response	30.03.2022	Buckinghamshire Council
CD9.46	Sustainable Drainage Consultation Response	01.04.2022	Buckinghamshire Council
CD9.47	Natural England Consultation Response	05.04.2022	Natural England
CD9.48	Buckingham Town Council Consultation Response	06.04.2022	Buckingham Town Council

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CD9.49	Maids Moreton Parish Council Consultation Response	06.04.2022	Maids Moreton Parish Council
CD9.50	Parks and Recreation Consultation Response	07.04.2022	Buckinghamshire Council
CD9.51	Anglian Water Consultation Response	01.07.2022	Anglian Water
CD9.52	Highways Development Management Consultation Response	21.07.2022	Buckinghamshire Council
CD9.53	Buckingham Town Council Additional Information	30.08.2022	Buckingham Town Council
CD9.54	Gardens Trust	5.4.2022	Gardens Trust



# Department for Levelling Up, Housing & Communities

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## 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.