



Strategic sites committee agenda

Date: Thursday 19 November 2020

Time: 2.00 pm

Venue: Virtual conference via MS Teams

Membership:

S Broadbent, N Brown, S Chhokar, C Clare, P Jones, J Jordan, L Monger, R Newcombe, C Paternoster, G Sandy, A Turner (Chairman) and J Waters (Vice-Chairman)

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Strategic sites committee minutes

Minutes of the meeting of the strategic sites committee held on Thursday 1 October 2020 by [virtual conference](#), commencing at 2.00 pm and concluding at 4.42 pm.

Members present

S Broadbent, C Clare, P Jones, J Jordan, L Monger, R Newcombe, C Paternoster, G Sandy, A Turner and J Waters

Apologies

N Brown and S Chhokar

The chairman announced that application CM/0018/20 Bletchley Landfill Site, Guernsey Road, Newton Leys, Milton Keynes, had been withdrawn from the agenda and would be considered at a future meeting of the committee.

Agenda Item

1 Declarations of interest

Councillor R Newcombe declared a non-prejudicial personal interest in application 18/02495/APP as he is a patient at one of the surgeries that makes up the Westongrove Partnership. Councillor Newcombe emphasised that he was not prejudged in any way and therefore would participate in the consideration and determination of the application.

Councillor C Paternoster declared a prejudicial personal interest in application CM/0022/20 as a member of Buckland Parish Council who had previously objected to this application. Councillor Paternoster left the meeting room for the duration of consideration of this item.

Councillor Paternoster also declared a non-prejudicial interest in application 18/02495/APP as a patient at one of the surgeries that makes up the Westongrove Partnership. Councillor Paternoster also confirmed that she was not pre-judged in anyway and would, therefore, participate in the consideration and determination of the application.

2 Minutes

The minutes of the strategic sites committee meeting 3 September were agreed as

correct record.

3 CM/0022/20 Olleco, Samian Way, Aston Clinton

Proposal: section 73 planning application relating to Condition 9 pursuant to planning application CM/78/14 at Anaerobic Digestion Plant, Samian Way, Aston Clinton operated by Olleco.

There was no public speaking on the application as the application was deferred from the previous meeting of the strategic sites committee.

It was proposed by Councillor A Turner, seconded by Councillor S Broadbent and **resolved:**

to approve the application as per the officer's report subject to an additional condition that, following its approval, the Odour Management Strategy be reviewed every 5 years and any such review shall ensure that the strategy is reflective of operations at the site and any updates in odour technology/ best practice. The review to be conducted by Olleco and of which the results are provided to the local planning authority.

Councillors L Monger and R Newcombe abstained from participating in voting on the application as they had not participated in consideration of the application at the committee meeting 3 September.

4 18/02495/APP Land to the south of Aston Clinton Road, Weston Turville

Note 1: Councillor C Paternoster re-joined the meeting at 14.50.

Note 2: Councillor G Sandy left the meeting at 16.00.

Councillor R Newcombe queried the allocation of this application for consideration by the strategic sites committee as opposed to the relevant area planning committee. It was noted that the scope of the strategic sites committee included dealing with wider strategic development, sites which have a significant impact beyond the specific local area and sites fundamental to the implementation of an adopted or emerging local plan.

Proposal: erection of 121 dwellings with access and associated infrastructure.

The case officer provided an update to the report since its publication. It was noted that the applicant had submitted an EIA screening opinion. It was the council's opinion that the proposed development was not "EIA Development" within the meaning of the 2017 regulations. A consultation response received from Environmental Health confirmed that with regard to the new housing, air quality would not be a significant issue. Further, late representations had been made asking that the application be postponed from consideration at the committee meeting as there should have been more notice to enable residents to consider the highway

impact on neighbouring properties.

Speaking as local unitary ward member, Councillor Julie Ward.

Speaking as representative of Weston Turville Parish Council, Martin Jarvis.

Speaking as objectors, John Oliver and Amanda Buchanan.

Speaking as the agent, James Yeoman.

It was proposed by Councillor L Monger, seconded by Councillor R Newcombe and **resolved:**

that permission be deferred and delegated to officers subject to the satisfactory completion of a S106 agreement to secure financial contributions towards primary and secondary education provision, off site sport and leisure provision, provision on site of open space and LEAP, commuted sum for maintenance of on-site sport and leisure provision, affordable Housing (30%) provision on site, sustainable transport improvements and travel plan.

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Report to Strategic Sites Planning Committee

Site location: Land Off Walnut Drive And Foscote Road, Maids Moreton, Buckinghamshire, MK18 1QQ

Proposal: Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure

Application Number: 16/00151/AOP

Applicant: David Wilson Homes

Case Officer: Sue Pilcher

Ward affected: Buckingham East (previously Luffield Abbey Ward)

Parish-Town Council: Maids Moreton Parish Council

Valid Date: 20.01.16

Determination date:

Recommendation:

The recommendation is that permission be deferred and delegated for **APPROVAL** subject to the satisfactory completion of a legal agreement to secure on site affordable housing provision, on site provision of public open space, monitor and manage impact of development traffic and provide appropriate mitigation for A422/College Farm Road and Foscote Road and Foscote Lane, highways delivery plan, financial contributions towards off site highway improvements, towards the Buckingham Transport Strategy, improved public transport, traffic regulation order, towards open space and recreation, education and to secure an acceptable SuDS scheme and its maintenance, subject to securing a District Licence to address protected species and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.

1. Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1. This application was previously heard at the Strategic Development Control Committee of the former Aylesbury Vale District Council on 20th February 2019 when it was resolved that permission be deferred and delegated for APPROVAL subject to the completion of a legal agreement to secure on site affordable housing provision, on site provision of public open space, financial contributions towards off site highway improvements, towards open space and recreation, education and to secure an acceptable SuDS scheme and its maintenance and to include a monitor and manage highway strategy and a highways

delivery plan and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused. Since the resolution work has been progressing on the S106 legal agreement and importantly work has also progressed on the VALP such that a number of policies within this plan can now be given weight in decision making. In addition further representations have been received. In this context it is considered appropriate for the application to be returned to committee for determination and provide an up to date position, including the evolving policy framework.

- 1.2. The application seeks outline permission with all matters reserved except for access for up to 170 dwellings, public open space and associated infrastructure. There would be two access points into the site, one via Foscoote Road and one via Walnut Drive. The application is accompanied by an illustrative masterplan and parameter plans which show how the development could be achieved on the site.
- 1.3. It is acknowledged that there would be significant benefits in terms of both the contribution to housing supply and affordable housing, as a result of population growth and also considerable benefits from investment in construction and the local economy.
- 1.4. Special regard has been given to the statutory test of preserving the conservation area and listed buildings under sections 72 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. The report recognises the proposed development will have a minor negative effect on the significance of the heritage assets arising from the proposed mini roundabout and associated highway works which would amount to be less than substantial harm and at the lowest end of the scale in terms of the NPPF, to which great weight is attached. This has been weighed against the public benefits of the scheme and it is concluded that these would outweigh the harm arising. Having regard to this it is considered there is no clear reason for refusal on this ground.
- 1.5. There would be harm to the character of the landscape and on the settlement character which would be a moderate negative weight and the development would result in loss of BMV agricultural land which would be of limited negative weight.
- 1.6. The application is considered to be acceptable on highway grounds subject to a number of mitigation works to be secured as part of a S106 and subject to conditions. On this basis the Highway Authority are satisfied that the development would not have a severe impact on the safety and convenience of the highway network and as such whilst it is recognised that there would be some minor/moderate adverse impact from the development, with the mitigation proposed in the S106 this harm would be addressed

such that overall the highway impact should be afforded neutral weight in the planning balance.

- 1.7. With an increase in dwellings there is the potential for more people to visit the Foxcote Nature Reserve, however there would be a significant amount of new open space and planting which would provide additional habitats that would be undertaken as a result of the development and recreational open space . The report identifies the potential to require a District Licence to address Great Crested Newts (European protected species). On this basis whilst it is recognised there could be some minor adverse impact on the great crested newt population this would be addressed through mitigation such that overall this matter should be afforded neutral weight in the planning balance.
- 1.8. Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of the impact on trees, archaeology, trees, public rights of way, healthy and safe communities, design and contamination and residential amenities. In terms of biodiversity this development would provide a net gain. These matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight is attributed neutrally.
- 1.9. The benefits of the proposal are identified in paragraph of 1.3 above and considered in the planning balance.
- 1.10. This assessment identifies that various S106 planning obligations would need to be secured to make the scheme acceptable and mitigate its impact in accordance with relevant Development Plan policy and guidance as well as the NPPF if the council was minded to approve the application. These are set out in section 6 below.
- 1.11. Under Part D section 4.4 of the constitution, the Strategic Sites Committee have responsibility for wider strategic development; sites which have a significant impact beyond the specific local area; and sites fundamental to the implementation of an adopted or emerging Local Plan. This will include amongst other criteria large scale major development comprising housing (approx. 400 dwellings or more).
- 1.12. The application is for 170 dwellings, which is less than 400 houses. However, the site forms part of the strategic delivery of sites as a proposed allocation in the emerging VALP under policy MMO006 for 170 homes. It is included in the trajectory for deliverable housing sites and therefore in the calculation of the 5 years housing supply against local housing need. It is therefore considered that this application would fall within the terms of reference to be considered by the Strategic Sites Committee as a strategic site which forms part of the overall strategy fundamental to the implementation of the emerging VALP.

- 1.13. Cllr Warren Whyte has made comments on the application. He has raised concerns over the principle of the development, impact on the highway, parking, character of the area and heritage and the S106 agreement. He also endorses the questions raised by the Maids Moreton and Foscoote Action Group regarding the relevance of the application being seen by the Strategic Committee rather than the more sensible North Area Planning Committee.
- 1.14. In considering the overall planning balance it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore recommended that the application be approved subject to the completion of a S106 legal agreement securing the matters outlined in section 6 below and subject to conditions as appropriate.

2.0 Description of Proposed Development

Application site:

- 2.1 The application site comprises three fields at the northern edge of Maids Moreton and has a site area of 8.649ha. The western field is a gently sloping area of grassland (3m drop in levels from the south-west corner to the north-east corner of this field) adjacent to existing housing on Walnut Drive and with the business park to the north-west corner of the field and access running to this to the western side of the site. The business park hosts a number of different businesses.
- 2.2 There is a group of protected trees (TPO 11/1999) along the southern edge of this field with the rear of the Pightle cul-de-sac and these comprise black pines, sycamore and larch with an understorey of holly and elder. There are also further individually protected trees forming part of this Order within the northern area of the field. The central field is also grassed and gently slopes down to the east and similarly the eastern field adjacent to the rear of Manor Park and Foscoote Road slopes gently down to the east. The application site includes the farm buildings in the east part of the site adjacent to the dwelling of Church Farm which would be demolished.
- 2.3 A public footpath (MM/2/1) runs up from Main Street between the rear gardens of Manor Park and the Pightle, enters the fields of the application site and then heads to the east to join Foscoote Road. The application site is not covered by any special landscape designations. There are no listed buildings within the application site but there are several within the village itself, including Scotts Farm House on Towcester Road (Grade II), Corner Cottage on Main Street (Grade II) and the Wheatsheaf PH on Main Street (Grade II). The conservation area is located to the south-east of the site within the village centre and further to the south-west.
- 2.4 The site is located within Flood Zone 1 and the majority of the land has an agricultural land grading of 3a.

Proposed development:

- 2.5 Outline permission with all matters reserved except for access is proposed on the application site for up to 170 dwellings, public open space and associated infrastructure. There would be two access points into the site, one via Foscote Road and one via Walnut Drive. The application is accompanied by an illustrative masterplan which shows how the development could be achieved on the site.
- 2.6 Revised feasibility and illustrative landscape masterplans were received during the course of the application to remove a significant proportion of development to the south of the Maids Moreton House industrial site and increased landscape buffering has been indicated to the northern boundary in this area. More recently a revised red edge application site plan has been received to remove a portion of the highway comprising Foscote Road which the applicant considers does not need to be included in the red edge. Consultations have been undertaken on these revised details.
- 2.7 The development proposes a mix of dwelling sizes, two to five bedroom dwellings, and the provision of 30% affordable housing (include a proportion of wheelchair accessible housing) which would be evenly dispersed across the site. A variety of dwelling sizes including detached, semi-detached and terraced properties are indicated on the illustrative layout masterplan. The Landscape and Visual Assessment indicates that the dwellings would have a maximum height of two and a half storeys.
- 2.8 A landscape buffer, incorporating swales and an attenuation pond, are shown to the northern boundary of the site. Existing hedgerows at the existing field boundaries are shown to be retained, except where the access road makes its way through the site. Along the southern edge of the site adjacent to Manor Park, proposed gardens are shown backing onto existing gardens.
- 2.9 The application has been accompanied by a Planning Statement, Design and Access Statement, Transport Assessment, Landscape Visual Impact Assessment, Extended Phase 1 Habitat Survey, Biodiversity Net Gain Assessment and Biodiversity Metric Calculation, Arboricultural Impact Assessment, Archaeological Desk based Assessment, Desk Study and Ground Investigation Report, Tree Constraints Plan and Schedule and a Flood Risk Assessment.

3.0 Relevant Planning History

The application site:

- 3.1 15/03562/SO - Screening Opinion for proposed development – Environmental Impact Assessment not required.

4.0 **Representations**

4.1 Maids Moreton Parish Council, Foscote Parish Meeting and Buckingham Town Council have objected. Greg Smith MP has drawn attention to the objections raised. A significant number of representations have been received. Whilst these objections have been clearly set out in detail below in Appendix A, the key concerns are development outside settlement boundaries, impact on landscape, impact on traffic and congestion, impact on heritage assets, on residential amenities and infrastructure.

5.0 **Policy Considerations and Evaluation**

5.1 Aylesbury Vale District Local Plan (AVDLP 2004): The report will identify where policies are not consistent with the NPPF and the weight to be afforded if the policy does not attract full weight.

Emerging Vale of Aylesbury District Local Plan (VALP): This is now at an advanced stage and weight can be given to the relevant policies in the plan in accordance with the NPPF. The overall approach is:

- **Limited weight:** if there is a new and untested policy introduced by a main modification and subject to consultation.
- **Moderate weight** :where there are objections and the Inspector has requested main modifications and therefore objections can be regarded as being “resolved”. The context being that the Inspector has considered the proposed modifications and in agreeing them for consultation, has confirmed that he is reasonably satisfied that they remedy the points of unsoundness identified in the examination process so far (as set out in Inspector’s note ED185).
- **Considerable weight** : where there are objections but the Inspector has not requested main modifications (and as such the policy will not be changed in a material way), the objections can therefore be regarded as being “resolved”.
- **Significant weight** :where there are no objections and no modifications. These policies are not going to be changed and the next step will be adoption and very significant weight.

The report will identify the weight to be given to the relevant emerging policies.

There is currently no made neighbourhood plan in existence which would include the village of Maids Moreton. Only a neighbourhood plan area has been identified at this stage.

Supplementary Planning Documents (SPD): Aylesbury Vale Conservation Areas, Affordable Housing, Sport and Recreation and accompanying Ready Reckoner and audit.

Maids Moreton Conservation Area document 2009

5.2 Principle and location of development

Aylesbury Vale District Local Plan: GP35 (Design of new development proposals); RA14 (Development at the edge of built up areas of settlements); RA2 (Loss of open gaps and consolidation of settlements).

Emerging Vale of Aylesbury District Local Plan (VALP): S1 (Sustainable development for Aylesbury Vale) (*s considerable weight*); S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development) (*moderate weight*), D-MMO006 Land east of Walnut Drive and west of Foscode Road (*moderate weight*), BE2(Design of new development) (*moderate weight*).

- 5.3 AVDLP Policy RA.14 seeks to restrict development to small-scale rounding off of up to 5 dwellings on sites not exceeding 0.2ha at Appendix 4 settlements which includes Maids Moreton. However policy RA14 forms part of the overall housing strategy which identified housing targets for the plan period up to 2011 and the evidence relating to the Aylesbury Vale's area's need has changed significantly since these policies were adopted. Policy RA14 is not consistent with the NPPF which seeks to significantly boost the supply of housing based on up to date evidence and in particular paragraphs 59, 60 and 67. Furthermore policy RA14 sought to take a protective approach to development and as such it can only be given very limited weight when considering proposals at the edge of settlements identified in Appendix 4.
- 5.4 The site does not represent small scale development in that it is 170 dwellings on a site of 8.649ha and therefore conflicts with RA14.
- 5.5 The site is proposed to be allocated in the emerging VALP for development as part of MMO006 and this supports the development of the site for 170 dwellings subject to a number of criteria. MMO006 (as proposed to be modified) anticipates delivery of the following:
- Provision of at least 170 dwellings at a density that takes account of the adjacent settlement character and identity and the edge of countryside location.
 - The site will be designed using a landscape-led approach. The development design and layout will be informed by a full detailed landscape and visual impact assessment (LVIA) and a landscape scheme with green infrastructure to be approved by the council.
 - A new means of access to Foscode Road and Walnut Drive, including satisfactory visibility splays to Foscode Road, a scheme for parking, garaging, manoeuvring and a cycling and walking strategy must be agreed by the council setting out necessary highways improvements including triggers associated with the progress of the development.
 - Ensure the public footpath (MMT/2/1) connecting the development with Maids Moreton's school, village hall, pub, bus stops and other services is in a suitable condition

to safely and conveniently accommodate increased pedestrian and cycle traffic within a residential setting.

e. An updated assessment of wastewater treatment works capacity needs to be carried out, working with Anglian Water, to identify the need for infrastructure upgrades and how and when these will be carried out to inform site delivery. Furthermore, development shall not 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.

f. An ecological management plan shall be submitted to the council and approved as part of a planning application setting out the biodiversity value on the site and a mitigation strategy with the aim of the scheme delivering a net biodiversity gain for the loss of any value on the site.

g. No development shall take place until an applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

h. Outdoor playing space (OPS) and equipped play facilities should be provided on site. Both Appendix 2 of the AVDC Supplementary Planning Guidance for Sport & Leisure Facilities and Appendix 1 of its companion document the Ready Reckoner detail the level of provision required per settlement size. As the 2017 'Open Space, Sports and Recreation Needs for Aylesbury Vale' audit shows there is a lack of a suitably sized central public open space as well as no neighbourhood equipped area of play (NEAP) in Maids Moreton, meaning there is a requirement to provide such facilities (in addition to a local equipped area of play (LEAP)) on site in order to make this proposal acceptable in recreation terms. This open green space will also provide an alternative to Foxcote Reservoir and Wood SSSI and help avoid recreational impacts on the designated site.

i. A good mix of affordable property types and sizes reflective of the overall housing mix whilst taking in to account the local needs of the district. There is currently a greater need for two bedroom 4 person and three bedroom five of six person houses, slightly less for one-bed two person and four-bed seven or eight person. Houses are generally preferred over flats.

j. A tenure mix of 75% rented and 25% shared ownership for the affordable dwellings would be required and two or three bed houses are preferred over flats for shared ownership.

k. Clusters of affordable housing must not exceed our 15 unit maximum for houses and 18 maximum for flats.

l. Affordable units should be built to National Affordable Housing Programme requirements and should not be distinguishable from market housing in terms of overall design details, build quality and materials. No more than 50% of the private units are to be completed until the affordable units have been completed.

m. The council works in partnership with registered providers in the district and can supply details of these to support the delivery of the affordable homes.

n. A financial contribution will be required towards funding appropriate elements of the

Buckingham Transport Strategy.

- 5.6 Comments have been received from the Maids Moreton and Foscote Action Group regarding allocated site D-MMO006 and the weight to be afforded to this policy. The modifications to Policy D-MMO006 are regarded as minor alterations to ensure the policy and allocation was consistent/matched the planning application and are not changes required to make the plan sound. These do not affect the weight that officers have given to the policy. There are policy requirements which need to be met as set out above.
- 5.7 Maids Moreton is identified in the Settlement Hierarchy Assessment for the submission Plan (September 2017) as a 'medium village'. In developing a criteria for medium villages, the settlements were defined as typically having a population of between around 600 and 2,000 and have between 6 – 7 of the key criteria (within 4 miles of a service centre, employment of 20 units or more, food store, pub, post office, GP, village hall, recreation facilities, primary school, hourly or more bus service and train station) making them moderately sustainable locations for development. Maids Moreton has a population of 847 and meets 6 of the key criteria. The proposed development of 170 dwellings (noting that the development is for up to 170 dwellings) would increase the population of the village by approximately 50%. This site is identified within the HELAA (Jan 2017) as being suitable for housing development for 170 dwellings subject to achieving a satisfactory landscaping scheme sensitive to the wider countryside, protecting TPO trees and public rights of way and achieving a suitable highway access arrangement. Whilst the HELAA can be seen as a starting point for assessing whether a site may be suitable for development, it does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted.
- 5.8 The Maids Moreton and Foscote Action Group (MMFAG) have referred in their objections to the accessibility of the site for walking, cycling and public transport. Officers have fully considered the links to the site via walking, cycling and public transport and a number of improvements are being proposed to the footway network within the village, which include the upgrading of the PRoW between the site and Main Street and a new footway provision that links the proposed Foscote Road access to the existing footway provision that currently terminates at Manor Park. A public transport contribution has been agreed with the applicant in order to ensure an adequate bus service is maintained following the withdrawal of an existing service. This is to the satisfaction of the Council's passenger transport experts. A crossing on the A422 Stratford Road has also been secured to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club. It is also important to note that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making. When taking into account the location of the development in the village of Maids Moreton, the existing opportunities to travel by sustainable forms of transport, the proposed improvements to sustainable forms of transport that are to be secured as part of this application along with the sites allocation

in the draft VALP, it is considered that there is no reasons to justify the refusal of the application on these grounds.

5.9 Having regard to the above matters, it is considered that the site is sustainably located and furthermore the site is recognised in the emerging VALP as being a sustainable location for development. As set out later in the report the Highway Authority are requesting that the S106 includes a package of off site mitigation measures. It is considered that these measures would reinforce the existing locational sustainability of the site further.

5.10 Housing supply, Affordable housing and housing mix

AVDLP – Policy GP2

SPD – Affordable Housing

Affordable Housing Interim Position Statement (November 2019)

Emerging Policies D-MMO006 Land east of Walnut Drive and west of Foscoote Road (*moderate weight*), H1 Affordable Housing (*moderate weight*), H6a Housing Mix (*moderate weight*), H6c Accessibility (*moderate weight*), H5 Custom/self build (*moderate weight*)

5.11 The 2020 Five Year Housing Land Supply Position Statement for the Aylesbury Vale area shows that the Council can demonstrate 5.52 years worth of deliverable housing supply against its local housing need in this area. This calculation is derived from the new standard methodology against the local housing need and definition of deliverable sites set out in the NPPF and NPPG.

5.12 This site is included in the trajectory for deliverable housing sites and calculation for the 5 years worth of deliverable housing supply against its local housing need. The proposal would therefore contribute to housing land supply and would ensure an on going supply and there is no reason that the site could not be delivered within the next five-year period which would be a significant benefit.

5.13 It is considered that there would also be economic benefits in terms of the construction of the dwellings themselves as well as the resultant increase in population which would contribute to the local economy, and this matter is afforded considerable weight.

5.14 In respect of affordable housing the scheme does meet the thresholds for securing such provision on site as outlined in AVDLP policy GP.2 which requires a minimum of 20% and up to 30%; with the latest position statement on affordable housing requiring 30%. It is acknowledged that this policy relies on evidence in the 1999 Housing Needs Survey for the plan period up to 2011 and the evidence relating to the Aylesbury Vale area's need has changed significantly since this policy was adopted. Furthermore, the policy does

not reflect the updated definition, requirements or exemptions as set out in the NPPF (paragraphs 60-66) and can only be given very limited weight.

- 5.15 Emerging VALP policy H1 requires a minimum of 25% provision. The Design and Access Statement confirms that 30% provision would be provided, evenly dispersed across the site and tenure blind and this would ensure that it also meets the council's requirements on pepper-potting and clustering. A tenure mix of 75% rented and 25% shared ownership would also be required. All of the dwellings will be required to meet the appropriate Building Regulations and this will ensure that suitably accessible housing is achieved.
- 5.16 In addition and in order to further address policy H6c of the emerging VALP which requires that all development will meet and maintain high standards of accessibility so all users can use them safely and easily, 15% of the affordable units will be wheelchair accessible. A S106 would need to secure these matters and is being progressed on this basis. This matter should be afforded significant positive weight.
- 5.17 This is an outline scheme and therefore the exact mix of housing has not yet been determined. However, the application indicates that a mix of dwelling types are proposed ranging from two to five bedroom dwellings and that these would be distributed across the site so that particular sized dwellings would not be unduly clustered. To ensure that the final mix which would come forward as part of the reserved matters scheme is secured a condition can be recommended to ensure that regard is had to emerging policy H6a of VALP and the HEDNA. At this time no self/custom build plots have been identified, however, following discussions with the applicant it is considered appropriate to include the provision of such plots within the scheme to address this emerging policy and as such this matter will be included in the S106 which is being progressed. This site is not one of the identified sites in emerging policy H6b relating to housing for older people. Having regard to this and taking into account the mix of housing to be secured it is considered that emerging policy H6b is adequately addressed.
- 5.18 Having regard to the above matters it is considered that overall the development would make a significant contribution to housing supply, and the provision of a policy compliant level of affordable housing at 30% and that a good mix of housing could be provided, including the provision of some self/custom build plots. On this basis the development would accord with the Development Plan policy, the NPPF and emerging policies H1, H5, H6a, H6b, H6c and MMO006 and as such significant weight should be given to the development in respect of both the contribution to housing supply and affordable housing and neutral weight in respect of self/custom build housing, housing mix, housing for older people and accessibility, and considerable weight to the economic benefits in this regard.
- 5.19 **Transport matters and parking**

AVDLP GP24 (Car parking guidelines), SPG1: Parking Guidelines; RA.36 (Development causing traffic adversely affecting rural roads)

Emerging VALP policies Emerging Policy D- MMO006 Land east of Walnut Drive and west of Foscoote Road (*moderate weight*), T1 (Delivering the Sustainable transport vision), T5 (Delivering transport in new development) and T6 (Vehicle parking), Appendix B (Parking Standards), T7 (Footpaths and cycle routes), T8 (Electric vehicle parking) (all preceding have *moderate weight*) and T4 (Capacity of the transport network to deliver development – *limited weight*)

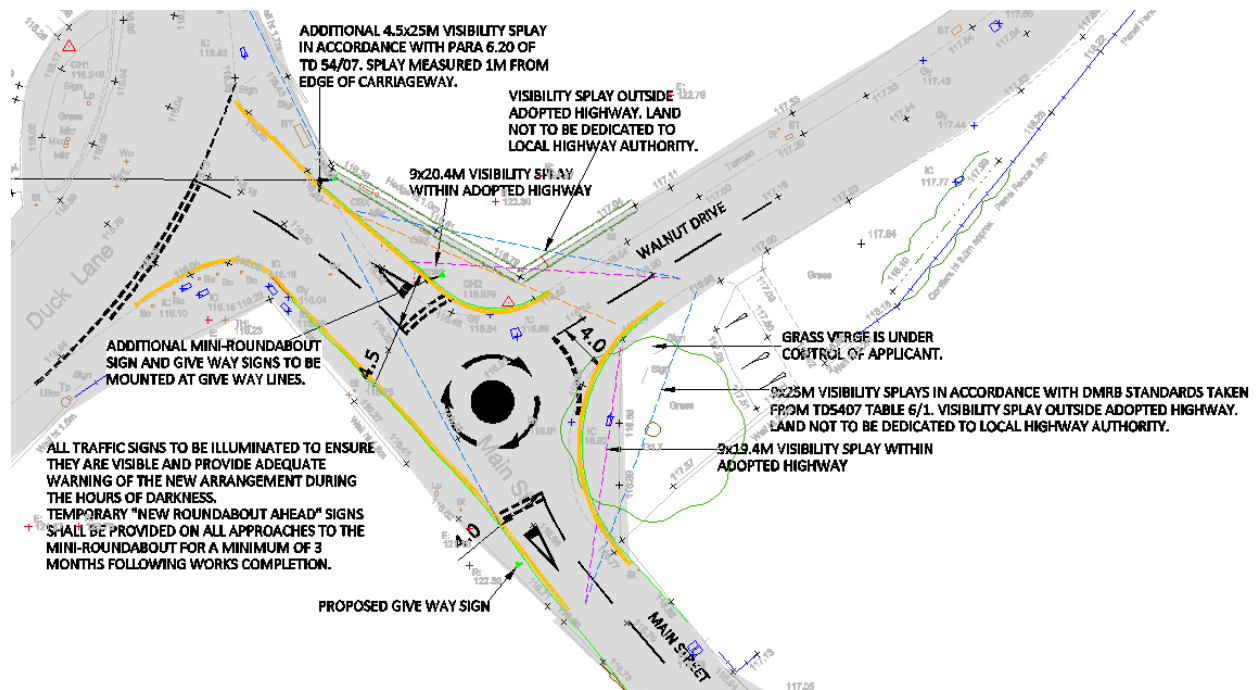
Site Access

5.20 Access into the development site would be via Walnut Drive to the east of the site and also via Foscoote Road to the west of the site. As part of the development proposals a number of off-site highway works to mitigate the development are proposed as follows:

- Alterations to the junction of Walnut Drive with Main Street to form a mini roundabout junction.
- Alterations to Foscoote Road between the proposed site access on Foscoote Road and the existing footway provision at Manor Park to provide a new 2m footway.
- A traffic calming scheme in the vicinity of the College Farm Road junction with Church Street.
- Alterations to the carriageway surfacing and signage on the A422 Stratford Road in the vicinity of the College Farm Road junction.
- A traffic calming scheme including works to the carriageway surfacing and signage on Towcester Road/Duck Lake in the vicinity of the junction with Main Street on entry to the village.
- A crossing on the A422 Stratford Road, type and exact location to be agreed with the Highway Authority, to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club.
- Junction improvements to the Moreton Road junction with the High Street (Old Gaol roundabout) to include lane markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes.
- A pedestrian refuge on Moreton Road in the vicinity of the 'Old Gaol' roundabout, to provide safe crossing facilities to town centre services.
- Keep Clear markings across the junction of the public car park on Stratford Road in the vicinity of the 'Old Gaol' junction, to assist the bus exiting the High Street and facilitate movements on the network.

- 5.21 The modification required to Policy D-MMO006 by the VALP Inspector was to provide more detail on the highway improvements proposed. If the Inspector requires further detail than that provided he will no doubt address this in his report.
- 5.22 Highway Officers have considered the comments made in representations including the Maids Moreton and Foscoote Action Group (MMFAG) in respect of the access. The issues mainly relate to the footway connections to the site, the improvements to the Main Street/Walnut Drive junction, the design of the Foscoote Road access and the upgrading of the PROW link running between the site and Main Street. The Highway Authority considered that all of these issues have been considered in detail in the consultation responses to this application and addressed to the satisfaction of the Highway Authority and as such no further action is considered necessary relating to these matters. Other points have been addressed in the report below.
- 5.23 With regard to highway impact and access arrangements, there have been extensive meetings and discussions with the applicant to set out the areas of concern and to ensure that the appropriate information and level of detail has been submitted in order to carry out a robust assessment of the highway impacts. There are a number of areas that have been taken into account in this regard:

Mini roundabout at Walnut Drive





- 5.24 Revised details have been received indicating acceptable location of signage. It is acknowledged that the recommended visibility splays cannot be achieved within the adopted highway but given the low traffic flows from the minor arm (Walnut Drive) the distances can be relaxed and acceptable visibility splays can be achieved on land which forms part of the public highway or is under the control of the applicant. Larger vehicles will be able to carry out their manoeuvres with greater safety than they currently do due to increased geometry available and visibility. Previous concerns about the mini roundabout junction have been addressed and the design is acceptable for the purposes of the planning application with any further points of detail being dealt with through detailed design.
- 5.25 Concerns in representations and by the MMFAG have been made stating that the impact on the properties opposite Walnut Drive has not been considered and that vehicles accessing these properties would most likely drive in forward and reverse out onto the roundabout. This issue has been considered in detail and a site meeting held with the owners of the property opposite the junction and with Highway Officers, which was also attended by a Traffic Management Officer from Thames Valley Police. The specific issues were discussed and a response to these concerns was provided. There has also been written correspondence between the property owners and the Council responding to specific concerns that were raised. Both the Traffic Management Officer and the Highway Authority are satisfied that the matters relating to the proposed junction improvements are adequately addressed.
- 5.26 With regard to the comments made relating to the assumption that vehicles accessing the properties would most likely drive in forwards and would reverse out, it should be noted that the Highway Code advises that vehicles should reverse off of the highway so that the reversing manoeuvre is visible to other highway users, rather than emerging from a driveway in reverse, where the vehicle may not be as visible to others on the highway. The impact on the properties opposite the Walnut Drive/Main Street junction has therefore been fully considered throughout the process.

- 5.27 Objections have also been raised in respect of the availability of on street parking in this area and that it would be displaced as a result of the mini roundabout leading to harm to residents and local businesses. The amount of displaced parking in the vicinity of the roundabout would be minimal and the applicant has previously carried out a parking survey along Main street in order to demonstrate that there would be capacity to accommodate the displaced parking. The highway works would not hinder access to properties and the position of where parking restrictions may go in the vicinity of the roundabout has been considered and while the exact position of the parking restrictions would be subject to detailed design, it is not likely that they would need to stretch back along Main Street to materially impact on the existing businesses located to the south east of the roundabout.
- 5.28 Representations have also been made on the visibility at the proposed mini roundabout junction, along with comments relating to entry lane widths. In terms of the visibility, the applicant has provided drawing number 1158-01 Rev M, which shows visibility splays passing within either highway land or land under control of the applicant, and clear of third party land. The Highway Authority is satisfied that these splays can be secured. It is also important to note that the mini roundabout still has to go through the detailed design process as part of a S278 Off Site Highway Works Agreement, where any outstanding details can be addressed.
- 5.29 Concerns have been raised in respect of the impact of highway changes on the character and appearance of the conservation area. These are assessed below in the historic section of the report, however, for the purposes of the highway impact, the applicants have been advised that the detailed design of the S278 works in this area should be informed by Aylesbury Vale's document 'Highway Protocol for Conservation Areas' and that furthermore the S278 works will require a Quality Audit by the Highway Authority.

College Farm Road/Stratford Road junction

- 5.30 Several discussions have taken place regarding the impact on this junction and the application has looked at various solutions to the increased traffic generation that would have to be accommodated and to address queuing such as a signalised junction, widenings and right turn islands into College Farm Road. The applicant has re-surveyed the College Farm Road junction with the A422 Stratford Road in order to obtain up to date vehicle flows. The applicant has then used these flows to carry out further junction capacity assessments. The assessments include two scenarios, one where 40% of development traffic uses the Foscoote Road access and another where 75% of development traffic uses the Foscoote Road access. It is noted that the applicant remains of the opinion that the 40% scenario is the most realistic scenario and they say that this has been derived by reference to Census data, which is a recognised method of determining traffic distribution. The Highway Authority agree that deriving distribution from Census data is appropriate, however no evidence has been put forward by the applicant to demonstrate that only 40% of development traffic would use the Foscoote Road access and that if the Census data is looked at it clearly shows that more than 40% of development traffic would use Foscoote Road and in turn College Farm Road.

- 5.31 BCC have reviewed the junction assessments and the queue length survey data submitted as part of the transport note with the applicant having now validated the junction model correctly. The results suggest that even in the future year (2021) base line scenario, which does not contain any development traffic, the junction will suffer from operational issues. There is however some concern with regards to the accuracy of the results of the junction model. The junction has been modelled using the PICADY junction modelling software and once the ratio of flow to capacity (RFC) value increases to beyond 1 (100%) then the results of the assessment become unreliable. In this instance, the junction model is showing an RFC value of 9999, which suggests that the PICADY programme is not able to accurately reflect how the junction would perform in the future year base line scenario. The queue of vehicles shown in the 2021 scenario in the AM peak is 125 vehicles, and in reality, it is unlikely that a queue would ever reach this level given the relatively low levels of traffic that use College Farm Road. The results for the scenarios with 40% and 75% of development traffic using Foscombe Road and College Farm Road show that vehicle queues increase to 151 vehicles and 174 vehicles respectively. This level of queueing is not considered realistic given the low traffic volumes and is a function of the junction model being over capacity.
- 5.32 As detailed above, the applicant has been looking at assessing two distribution scenarios to determine the level of development traffic using College Farm Road. The first scenario, which assessed 40% of development traffic using College Farm Road, resulted in an additional 40 two-way movements in the AM peak hour. When compared to the predicted 2021 baseline flows along the same road, which total 388 two-way movements in the AM peak hour, the increase is in the region of 10%. The second scenario, which assessed 75% of development traffic using College Farm Road, resulted in an additional 75 two-way movements in the AM peak hour. When compared to the predicted 2021 baseline flows along the same road, which totals 388 two-way movements in the AM peak hour, the increase is in the region of 19%. While on face value these increases may seem material, in reality the baseline flows on College Farm Road are relatively low and when the development flows are added the total flows on College Farm Road remain relatively low. It however remains evident that the impact of the development traffic on College Farm Road and its junction with the A422 Stratford Road needs to be mitigated.
- 5.33 A number of objections, including from the MMFAG have been received in respect of the impact on this junction and mitigation required. The Council's view is to consider whether improvements to the junction to increase its capacity would actually be the best option as they are likely to increase the attractiveness of using College Farm Road. It is also considered that any meaningful increases in junction capacity to accommodate additional demand on College Farm Road would also have a negative impact on the A422, all to accommodate a relatively small increase in traffic demand. A mitigation package that looks at improvements on the A422 in the vicinity of the junction with College Farm Road to improve safety at the junction and also looks at traffic calming works to the north

western end of College Farm Road at its junction with Church Street to make College Farm Road a less attractive route have been secured.

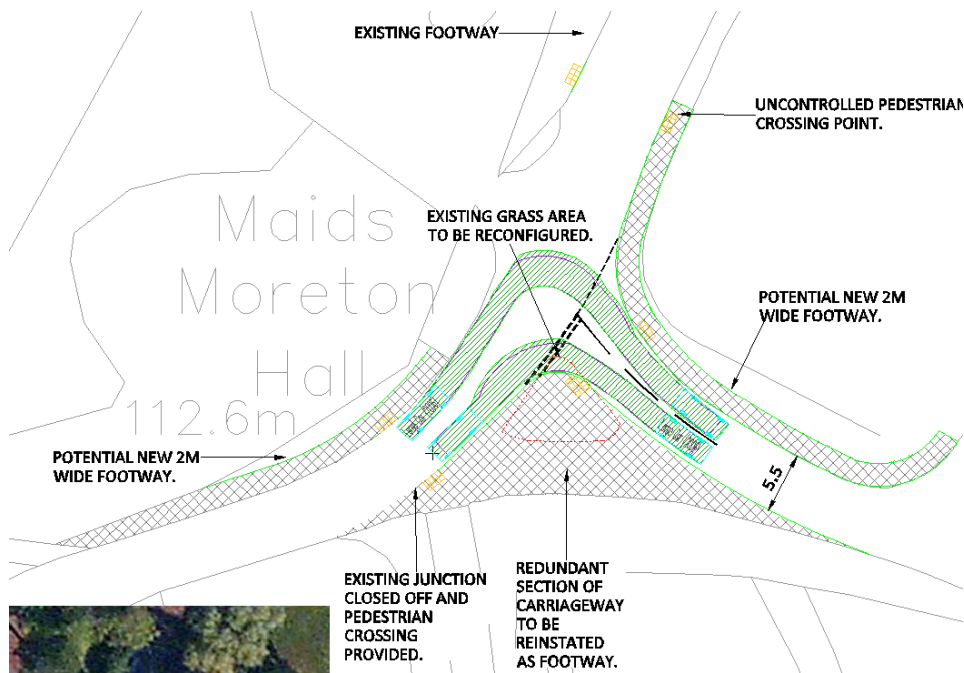
- 5.34 A Monitor and Manage Strategy is also to be agreed that monitors the impact of the development over a period of time and provides the Council with the ability to secure works to mitigate the development impact if required. A mitigation scheme has been agreed in principle for improvement works to the College Farm Road junction which has been shown to mitigate the impact of the development if required. At the previous Committee Meeting it was a request from Members that the Monitor and Manage Strategy also monitored the development impact through Foscoote, and this will also therefore be built into the Strategy, with the aim being to provide mitigation measures to deter development traffic from using the route through Foscoote to access the A422 should they be deemed necessary. Suggestions from objectors that the route along Foscoote Road to access the A422 to the north of the site was not considered within the assessment is not the case and the route was considered, however it was not considered that development traffic would have a material impact on this route as there are other, more convenient and attractive routes available.
- 5.35 The objections by the MMFAG also state that they have reviewed the operational effect of the proposed mitigation at the College Farm Road junction with the A422 and have concluded that it offers little benefit in terms of capacity and would not satisfactorily mitigate the impacts of development. However, no detail has been provided as to how this conclusion has been reached and no assessment has been provided to demonstrate this to be the case. It has been rightly stated that if the traffic calming has the desired effect of deterring traffic from using College Farm Road, meaning that the mitigation to the junction with the A422 was not required, then the funds that would have gone towards the mitigation measures will instead go towards the Buckingham Transport Strategy. The MMFAG consider that these funds are not expected to be substantial given the scale of improvements proposed and that the benefits in comparison to the impact are likely to be minor. It must be pointed out that no evidence has been submitted to substantiate this view and it has failed to be acknowledged that this funding would be in addition to the main contribution towards the Buckingham Transport Strategy that is also being secured.
- 5.36 The MMFAG comments also state that the Buckingham Transport Strategy is focussed on reducing traffic within the town centre to address congestion issues, which contradicts the approach being taken in regard to this application, which they say will see an increase in traffic through the town centre as a result of the traffic calming on College Farm Road. There is a bigger picture which must also be borne in mind and whilst it is correct that the Buckingham Transport Strategy does seek to remove traffic from the town centre and this is focused on removing those trips that do not need to be there such as traffic with an origin and destination through or around Buckingham, removing through or around Buckingham trips would improve town centre conditions and allow the impact from local trips such as those from Local Plan development sites including this site to be offset.

5.37 The Council remains of the view that the proposed measures to monitor and if necessary, manage the impact of the development on the College Farm Road junction with the A422 and on Foscoote Road to the north of the site, remains the most appropriate means of ensuring that the development has an acceptable impact on the surrounding highway network.

Proposed Mitigation Package

5.38 The applicant will carry out lining and signing works on the A422 Stratford Road, which will include the installation of advanced junction warning signs and red carriageway surfacing for a length of 215m on each approach to the junction. These works will contribute to alerting drivers on the A422 that they are approaching a junction and to drive more cautiously. These works are consistent with other safety schemes implemented by the Council elsewhere in the County.

5.39 The applicant will also carry out traffic calming works to the north western end of College Farm Road at its junction with Church Street. These works include narrowing College Farm Road at the junction, a localised narrowing adjacent to the junction with Church Close, along with a gateway feature with additional road markings where the 30mph speed limit begins. 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. The traffic calming scheme is shown in principle on drawing number 1158-F07 Rev D and will be subject to statutory public consultation. The public consultation will need to be led on by the applicant as part of the S278 process, including engagement with Local Members, the Parish Council and residents in accordance with legislation.





- 5.40 Concerns have been raised in representations with regards to the design of the traffic calming work on the basis that the current proposals are not in keeping with the nature of the area. Also, the current design of the works does not take into account the access to the Church car park and the excessive area of additional footway surfacing currently shown would have an urbanising effect. The Council as the Highway Authority is satisfied that these are matters of detailed design that do not affect the principle of the traffic calming in this location. As mentioned above, the applicant has been advised that the Council have a 'Highway Protocol for Conservation Areas' document which should be used to inform the detailed design of the S278 works in Maids Moreton and a Quality Audit will also be required.
- 5.41 In addition to the works detailed above, the applicant will also adopt a monitor and manage strategy for a one-year period after the full occupation of the development. This strategy will review conditions at Foscode Road, Foscode Lane and the junction of College Farm Road with the A422 Stratford Road to determine whether conditions at the junction deteriorate significantly over that period. This strategy will involve the use of ANPR cameras which will be able to determine whether vehicles using College Farm Road are associated with the development or not. This information can be used to ascertain whether the development traffic is having a severe adverse impact on conditions at the junction and whether any further mitigation is necessary.
- 5.42 In order to come up with a scheme to further mitigate the development traffic impact at the junction, the Council have looked at ways of physically improving the junction. It has been determined that a second exit lane can be incorporated at the junction, which is achieved by carrying out widening works within existing highway limits. The Council have

then used the improved junction layout to carry out a further capacity assessment at the junction. While the Council acknowledge the model limitations in this case, they do suggest that the improvement works to the junction will be adequate to further mitigate the impact of the development.

- 5.43 It should be noted that the applicant previously proposed a short right turn facility on Stratford Road, however this was not shown to benefit the junction performance in terms of capacity. The proposed widening of the A422 in the vicinity of the junction in order to accommodate the right turn facility would also reduce the available visibility from the junction onto the A422 to an unacceptable level. It has therefore been decided to remove this element from the proposals.
- 5.44 The applicant will be required to cost up the further junction works to the College Farm Road junction with the A422 Stratford Road and the money for these works will then be secured within a S106 Agreement with the ability for the Council to draw upon that money to carry out the junction improvements should they be deemed necessary. 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, which will also need to be mitigated. If this is the case, then the Council will draw upon the secured funding and use it as an additional contribution towards the Buckingham Transport Strategy.
- 5.45 With regard to Foscoote Road, a number of site visits were carried out by Officers and the applicant carried out two topographical surveys to demonstrate that proposed improvements to Foscoote Road could be provided within the highway, as well as providing detailed vehicle tracking and addressing issues that were raised in a Stage 1 Road Safety Audit. Together this information allowed the Highway Authority to conclude that the proposed improvements would allow for an acceptable footway connection along Foscoote Road while also maintaining an appropriate carriageway width.
- 5.46 The objections raised in representations suggest that the swept path analysis that has been provided shows vehicles having to pass within centimetres of the footway kerb line to carry out turns and states that it is highly likely that the vehicle body will conflict with neighbouring walls. As stated above, the submitted vehicle tracking was subject to significant review by the Highway Authority, and the fact remains that it is shown to work. The footway and carriageway works will be subject to detailed design as part of the required S278 Off Site Highway Works Agreement, where the design can be progressed and refined as appropriate.

5.47 The TTC report also stated that no consideration has been afforded to the actual deliverability of the footway given its proximity to the neighbouring properties and the level differences between the bottom and top of the existing embankment. The Highway Authority considers that the information submitted, in the form of plans based on two topographical surveys shows that, in principle, the footway and carriageway improvements can be accommodated. As stated above, these improvements will be subject to detailed design as part of the S278 Agreement, and it is at this stage that the detail of exactly how the works will be accommodated will be agreed. The Council therefore remains of the view that the proposed footway and carriageway improvements are acceptable in principle.

Moreton Road junction with the High Street (Old Gaol)

5.48 Concerns have been raised in representations with the level of traffic that is likely to use Moreton Road directly to the Old Gaol junction. It is noted that a contribution will be secured as part of any planning permission towards the adopted Buckingham Transport Strategy, which has an over-arching aim to reduce traffic as a means of improving town centre congestion. Highway Officers agree that the development will increase traffic through this junction and as such the following measures to directly mitigate the impact of the development traffic at this junction have therefore been agreed:

1. Lane markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes. All lines and signs are to be in accordance with the Department for Transport's current 'Traffic Signs Regulations and General Direction'.
2. A pedestrian refuge on Moreton Road within the vicinity of the roundabout, to provide safe crossing facilities to town centre services.
3. Keep Clear markings across the junction of the public car park on Stratford Road, to assist the bus exiting the High Street and facilitate movements on the network.

5.49 The applicant has confirmed that the delivery of these improvements as part of the proposed development is acceptable and will be provided in addition to the financial contribution towards the Buckingham Transport Strategy. The objections in this matter are noted, however it is important to remember that the impact of the development on Buckingham town centre, in terms of traffic, is to be dealt with via the contribution that is to be secured towards the Buckingham Transport Strategy and the proposed measures listed above are to be in addition to this contribution. The proposed improvements will not only offer improvement to the capacity at the junction but will aid the safe and convenient passage of pedestrians across the junction and assist in the movement of busses on the network. The Highway Authority considers that this package of measures will adequately mitigate the impact of the development at this junction.

Speeds on Towcester Road

- 5.50 The Council is aware of concerns with regards to the locally perceived speeding issue on Towcester Road/Duck Lake in the vicinity of the junction with Main Street. While it is recognised that vehicles speeding above the posted speed limit is an enforcement issue, this road will be used by occupiers of the proposed development and as such, it has been agreed with the applicant that a traffic calming scheme in the form of improvements to the lining, additional signage and gateway features along with different surface treatment in order to change the environment when entering the village will be secured. Again the 'Highway Protocol for Conservation Areas' document will be used to inform the detailed design of the S278 works in Maids Moreton along with the Quality Audit.

Crossing on the A422 Stratford Road

- 5.51 Cycleway improvements are currently underway that will link the Buckingham School to the A422 at the junction with Lower Wharf to the east of the football club. This is a school that children from the proposed development are likely to need to access. In order to provide an attractive and convenient link to the cycleway, to encourage cycling, consistent with the aims of the NPPF, it has been agreed with the applicant that a crossing point on the A422 is required as part of the off-site highway works associated with this development. This crossing point will help to meet the aims of the NPPF by improving safety and promoting sustainable forms of transport. The exact type of crossing will be agreed as part of the Highway Works Delivery Plan.
- 5.52 Objections received state that it is difficult to see how this crossing would benefit the site but these have been set out above. It is recognised that Buckingham School will be attended by children from the development and at present they would have no safe and convenient means of crossing the A422 to access the cycleway improvements leading to the school. It is therefore appropriate that the development provides a safe and convenient crossing point on the A422 in the vicinity of these cycleway improvements in order to encourage cycling, which is consistent with the aims of the NPPF. This improvement can only be of benefit to the site and will increase the safety and attractiveness of a cycle route from the site to the school.
- 5.53 Given the complexity of the off-site highway works associated with this site, excluding the construction of the access points from Foscode Road and Walnut Drive, they will need to be secured as part of a S106 Agreement. These are set out in the developer contributions.
- 5.54 Having regard to the above matters the Council is satisfied that the development would not have a severe impact on the safety and convenience of the highway network. Whilst there would be an increase in traffic generation, it is considered that the mitigation measures proposed would ensure that the use of more rural roads to access the site are adequately addressed and such use is not encouraged and that more suitable alternative roads would be the preferred option for users. All routes to and from the site have been considered in terms of the likely impact resulting from the development traffic. Suitable mitigation measures are being secured to mitigate the development traffic through Buckingham Town Centre, suitable calming measures are proposed to reduce impacts on sensitive junctions on primary routes and the impact on the more rural routes to the north of the site will be monitored as part of the Monitor and Manage Strategy, which will also

allow appropriate mitigation to be secured if necessary. It is also important to note that all junctions on the local highway network that have been deemed to have a material impact as a result of the development have been the subject of detailed assessment and are shown to be adequate in order to accommodate the additional development traffic. The application is considered to be acceptable on highway grounds referred to above subject to matters to be secured as part of a S106 and subject to conditions.

Refuse Collection

- 5.55 In respect of the collection of refuse, further detail on this matter would be assessed at the reserved matters stage. However, it is likely that bins would be provided for in external areas in a convenient location within the garden for the dwellings and communal bin collection areas will also be provided as appropriate.

Parking

- 5.56 The Design and Access Statement indicates that car parking provision would be in the form of garaging, driveways or parking bays in close proximity to the front doors. Private parking courts are referred to but Officers will look to ensure that these do not form part of the detailed scheme. No rear, enclosed parking courts are indicated on the illustrative plans.

Response to Parish Council Traffic Survey

- 5.57 In their consideration of the planning application Maids Moreton Parish Council undertook their own traffic survey and analysis of the traffic that could potentially be generated by the development and the impact it would have. The key findings were that traffic flows recorded were very different from and, apart from along Foscombe Road, much heavier than those summarised by Croft (the agent's Highways Consultants). The Parish comment that as a consequence, the traffic management measures proposed to facilitate the development of site MMO006 seem to be based on unrepresentative data and they question the case for an independent and comprehensive traffic survey of Maids Moreton.
- 5.58 The agent's Highway Consultants took on board the comments of the Parish Council and submitted a further Technical Note to address the points made. The Note responds in relation to the traffic flows and subsequent capacity assessments contained within the submitted TA. It has provided additional assessments based on the 2018 traffic data, collected by the Parish factored up to a future year of 2021. The Note has also looked at the results for the 2021 'without development' to show the junctions will operate with reserve capacity in the AM and PM peaks and the 2021 'With Development' assessments to show that the junctions will continue to operate satisfactorily in a similar manner to the baseline situation. The consultants are of the opinion that based on the technical assessments carried out that it has been demonstrated that the traffic can be accommodated onto the local highway network and will not have a material impact on the operation of the junctions within the village and on this basis, in their view, the proposals are acceptable in highways terms.

- 5.59 The Council has also considered the information provided by the Parish Council and also the response of the Highway Consultants. The Council note that the surveys contained within the Parish Council's report appear to show traffic flows recorded along the central village routes, along Main Street and Avenue Road, which are greater than those cited by Croft in their Transport Assessment. They also note that the flows on the main routes around the village, along the A413 and Foscoote Road, recorded by the Parish Council were less than those cited by Croft in their TA.
- 5.60 The flows used by Croft in their TA were obtained from the Buckingham Traffic Model, which is a strategic model that Jacobs have developed for the Council. The model focuses mainly on the strategic routes and not necessarily routes through the centre of villages which do not form part of the strategic route network. Highways colleagues have confirmed that the flows along the strategic routes included in the strategic model validated well against Automatic Traffic Count (ATC) surveys that were carried out.
- 5.61 In relation to the use of the flows from the strategic model, it should be noted that as the Council's main concerns in capacity terms is the impact of development on roads with the highest flows that provide a local, district or strategic function. In all cases included in the Parish Council's report, the flows from the strategic model on the principal road network exceed, without exception, the flows recorded by the Parish Council. The capacity assessments for the junctions along the principal routes (along the A413) show that the junctions will continue to operate with spare capacity.
- 5.62 In looking at the information provided by the Parish Council, the Council requested that the applicant look again at the four junctions - Main Street/Foscoote Road/Church Street; A413 Moreton Road/Avenue Road/A413 Duck Lake; Main Street/A413 Towcester Road and Walnut Drive/Main Street (new roundabout). The results of the revised assessments that take into account the revised traffic flow figures provided by the Parish Council show that the junctions within the village will continue to operate with significant spare capacity and that there is not a queueing issue. On this basis the Council are satisfied that the information contained within the report provided by the Parish Council does not alter previous recommendations.
- 5.63 A Full Travel Plan will be required to be submitted and agreed by the Local Planning Authority to be in general accordance with "Buckinghamshire Council Sustainable Travel Plans Guidelines for Developers" and it will be required to be implemented prior to occupation of the proposed development. This is to be secured as part of the S106 legal agreement matters.

Cycle parking and Electric vehicle parking

- 5.64 The details for the provision of electric vehicle and cycle parking will be set out at the reserved matters stage and a condition is to be recommended requiring provision in accordance with the Council's standards.

Other highway matters

- 5.65 Representations received have raised the matter that the parking survey was belatedly displayed publically on the Council's website (after the February 2019 committee meeting). This information had been available to the Highway Authority (Bucks County Council at the time) who took the results into account when their consultation response was provided. They were also satisfied with the scope of the survey. Members also visited the site prior to the previous Committee meeting and were therefore aware of the parking situation in the locality at that time. It is acknowledged that there is a difference of opinion in terms of the availability of parking and the impact that the mitigation proposed as a result of the development would have on the locality, residents and local businesses. However, Officers are satisfied that relevant matters have been taken into account, including representations made, such that a different response from the Council's Highway Officer would not have resulted in this regard.
- 5.66 Comments from Maids Moreton Parish Council, Foscote Parish Council meeting and the Maids Moreton and Foscote Action Group have been received in respect of the S106 as reported below. In response to these comments Members are advised that the initial draft of the S106 that was published was not the final document, this has since been revised to pick up all necessary matters and to correct certain elements. The S106 includes reference to 'monitor and manage' and Foscote Road and Lane are also included as appropriate. In addition, the strategy will be submitted to and approved in writing by the Council prior to the commencement of development so appropriate details can be secured by the Council. The requirements set out in the S106 in respect of highway matters are considered to reflect the requirements of the Council and as considered by Committee. In addition a 10% reduction in travel in reference to the Travel Plan is a standard reduction sought and is considered to be consistent with how the Council have approached other developments and reasonable in the context of the CIL regulations.
- 5.67 The title of the 'Monitor and Review Strategy' has been amended to reflect a 'Monitor and Manage Strategy'. The comment relating to the inclusion of Mill Lane (referred to in the S106 and elsewhere as College Farm Road), Avenue Road and Main Street in the Monitor and Manage Strategy is noted. The exact scope of the Strategy will be considered by and agreed with the Council before commencement of the development and the exact requirements of the specific roads to be included will be considered at that point.
- 5.68 Arriva's route 60/60X service from Maids Moreton was withdrawn in July 2019. Following this, discussions were held with the Applicant and an additional financial contribution, in addition to that which was previously agreed, has been secured to provide hourly services during peak hours and maintain the locational sustainability of the site. This will allow for the level of provision that the Council was originally targeting in order to serve the development with adequate access to public transport facilities. Traffic flows used by the Applicant were originally obtained from the Buckingham Traffic Model which is a Strategic Model developed by Jacobs for the Council. The 2011 Strategic Model flows were growthed to 2016 and used by the Applicant in the original traffic impact assessments submitted with the application in 2016. A report by the Maids Moreton Parish Council

submitted in 2018 contained data from traffic surveys carried out by the Parish Council and subsequently concerns were raised regarding the flows used by the Applicant. The Parish Council's flows recorded along the central village routes, along Main Street and Avenue Road, were greater than those used by the Applicant. However, in all cases included in the Parish Council's report, the flows from the Strategic model on the principal road network exceed, without exception, the flows recorded by the Parish Council. In order to assist in addressing the Parish Council's concerns, the flows recorded by the Parish Council have been used for the purposes of further capacity assessments on the following junctions:

- Main Street/Foscote Road/Church Street
- A413 Moreton Road/Avenue Road/A413 Duck Lake
- Main Street/A413 Towcester Road
- Walnut Drive/Main Street (new roundabout)

The results of the additional junction assessments using the flows provided by the Parish Council show that the junctions within the village will continue to operate with significant spare capacity. A CTMP is recommended to be secured by way of a condition.

Transport conclusions

- 5.69 In acknowledging the significant local objection to the development of the site, the Council have spent considerable time in assessing the details of the access to the site and the level of traffic generation that would result and its impact on highway safety and convenience. In addition consideration has been given to refuse collection and provision of car and cycle parking. Overall, subject to the extensive mitigation measures proposed as required by the S106 legal agreement and conditions, it is considered that the development would accord with the aims of Policies RA36 and GP24 of the AVDLP, the SPG on car parking and with the NPPF and Policies D-MMO006, T1, T4, T5, T6, T7 and T8 of the emerging VALP and that it could be implemented without harm to highway safety and convenience and that sufficient parking, cycle parking and electric vehicle parking can be provided. On this basis transport matters should be afforded neutral weight.

Natural environment

- 5.70 AVDLP Policies GP.35 (Design of new development proposals) and GP.38 (Landscaping of new development proposals)

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscote Road (*moderate weight*), BE2 (Design of new development) and NE4 (Landscape character and locally important landscape) (*both moderate weight*)

Landscape and Settlement Character Impacts:

- 5.71 The site is located in a zone of transition straddling two landscape character areas (LCA) as defined by the Aylesbury Vale Landscape Character Assessment (2008) – the Maids Moreton Plateau and the Foxcote Valley. Whilst the site is mainly within the Maids Moreton Plateau LCA it lies at the extreme southern end of it and is somewhat divorced from the main part of the area by the settlement of Maids Moreton and the associated Maids Moreton House business park served by Walnut Drive. The Maids Moreton Plateau LCA is characterised by gently sloping agricultural fields, strong hedgerows and clear views toward the settlement edge with large woodland in the north. The condition of the landscape is considered to be generally good and of moderate sensitivity. The conservation area document refers to this land being characterised as being of a village edge character. The condition of the Foxcote Valley is assessed as being ‘very good’ and of moderate sensitivity.
- 5.72 The landscape guidelines for the Maids Moreton Plateau include the following;
- *‘encourage the restoration of the historic hedgerow pattern where it has been lost to enhance the landscape character and strengthen the ecological diversity’*
 - *‘conserve the small fields of pasture with good hedgerows close to the residential edge’*
 - To generally increase the level of woodland cover within the LCA and in particular to *‘encourage the establishment of small community woodlands within the field structure close to the edge of Maids Moreton’*
 - ensure that any *‘new housing ... should be designed to reflect the traditional character of the area and use locally traditional materials’*.
- 5.73 The landscape guidelines for the Foxcote Valley include the following;
- *‘Conserve the slightly remote hidden character of the valley’*
 - *‘Maintain and enhance the existing network of hedgerows and copses to benefit visual and ecological aspects of the LCA’*
 - *‘Conserve and enhance views from publically accessible land’*
- 5.74 It is acknowledged that there would be a major scale of adverse change to the agricultural fields that form the application site and to the open views across the site currently experienced from homes on the edge of the settlement. A more moderate impact would result to existing hedgerows and trees since these are largely to be retained and there would be a long term impact resulting from the additional planting proposed, including the landscape belt and supplementation of existing, retained hedgerows. In terms of the wider impact on the Maids Moreton Plateau character area, the proposed mitigation would result in a reduction in the level of harm to the extent that there would be an acceptable visual impact. Longer distance views of the development would be contained by existing buildings and vegetation and open views from the footpath towards Foxcote Reservoir would remain open and rural. On this basis the effect on the wider landscape will be less than significant due to the proposed mitigation which will be appropriate to the wider landscape character in line with the landscape guidelines set out in the LCA assessments.

- 5.75 AVDLP policy RA2 requires that new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements and that regard is had to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements. In terms of the settlement character, the proposed development would extend the built form further into the countryside. However, Foscoote to the east is approx. half a mile from the site on the other side of Foscoote Road, Akeley is approx. one mile to the north and Chackmore is approx. 1.1 miles to the west (all as the crow flies) and therefore the proposal could not be regarded as coalescence with a settlement. There is a group of buildings known as the Manor Park development which already extends out from the village centre to the north and the proposed development would be reflective of this character and pattern of development such that the scale of change to the settlement character for this part of the settlement as a result of the development would be more moderate. Amended plans comprising a revised illustrative landscape masterplan and a feasibility plan were received which adopted a landscape led approach as required in policy D-MMO006. The proposed landscape belt would provide a stop to any further development in this direction. With regard to the closing of this gap, Officers sought to reduce the extent of development between the main part of the development site and the Maids Moreton House industrial area and amended plans received reflected this such that it is considered that a sufficient gap would be retained to this nearby site. This ensures that the built development is drawn more tightly to Maids Moreton and less into the open countryside. In addition a significant landscape belt is indicated linking that originally proposed to the northern edge up to the boundary with Maids Moreton House.
- 5.76 In terms of the settlement character, the proposed development would extend the built form further into the countryside. However, the Manor Park development already extends out from the village centre to the north and the proposed development would be reflective of this character and pattern of development such that the scale of change to the settlement character for this part of the settlement as a result of the development would be more moderate. The proposed landscape belt would provide a stop to any further development in this direction.

Visual impact

- 5.77 With regard to the potential visual impacts of the proposed development, the LVIA concludes that 'only the users [sic] of the homes to the south of the site and the footpath which crosses the site would experience long term significant negative visual effects...', whilst 'users of the footpath to the north of the application site would experience some visual effects in the short term, but once the proposed woodland planting has established the effects on views towards the settlement edge would be positive. Open views from the footpath towards Foxcote Reservoir would remain open and rural. All other effects on viewers around the site would be less than significant.'
- 5.78 It is accepted that there will be significant adverse visual impacts from the development but these will be in the immediate vicinity of the site and there is scope for the existing

relationship between the settlement and the open countryside to be visually enhanced in line with the Landscape Character Assessment guidance.

Conclusions on landscape impact

- 5.79 Overall it is considered that acknowledging the scale of development proposed and the mitigation indicated, that the impact on the landscape character area, on the settlement character and the visual impact of the development itself should be afforded moderate negative weight in the planning balance

Agricultural land

Emerging policy NE7 Best and most versatile agricultural land (moderate weight)

- 5.80 Paragraph 170 of the NPPF advises that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. There is no definition as to what comprises 'significant development' in this context but the threshold above which Natural England are required to be consulted has been set at 20 hectares so the site falls below this threshold.
- 5.81 The applicants have submitted an agricultural land report which identifies that the soils comprise reasonably well drained, slightly stony, medium clay loam or heavy clay loam topsoils over slightly, to moderately stony heavy clay loam upper subsoils, sometimes passing to a clay lower subsoil. The land has been identified as Grade 3a agricultural land and 8.5ha would be lost to construction, the land is presently all arable and provides cereal cropping. Having regard to the findings of the report, it is accepted that the development would result in the loss of best and most versatile (bmv) agricultural land. Consideration has been given to the development of this agricultural land as required by the NPPF, however, having regard to the size of the site and the extent of bmv land lost, it is not considered that this would represent a significant development in the Aylesbury Vale area. As such, in considering that there would be some loss, it is considered that this matter should be afforded very limited negative weight in the planning balance.

Impact on Public Rights of Way

AVDLP – GP84 (Public rights of way)

Emerging policies D-MMO006 Land east of Walnut Drive and west of Foscode Road
(*moderate weight*), T7 (Footpaths and cycle routes) (*moderate weight*)

- 5.82 The existing footpath is proposed to be upgraded, in terms of being surfaced and lit, along the section between The Pightle and Manor Park properties which would encourage the increased ease of movement for all users. The footpath through the application site would run through green spaces and would exit onto Foscode Road so whilst there would be a

change in the experience of users of the footpath from where the footpath currently runs through the agricultural fields, it is not considered that this would be unacceptable overall given the adjacent landscape/woodland belt proposed. As such it is considered that this complies with GP84 of AVDLP and emerging VALP policy D-MMO006 criteria d) and T7 and the NPPF and should be afforded neutral weight in the planning balance.

Trees and hedgerows

AVDLP GP39 (Existing trees and hedgerows) and GP40 (Retention of existing trees and hedgerows)

Emerging AVDLP NE8 (Trees, hedgerows and woodlands) (*moderate weight*)

- 5.83 There are a number of trees within the site that are protected by TPO 11/1999 and a walnut tree on the corner of Walnut Drive with Main Street (TPO 10/2010). The Council's Tree Officer is satisfied that the submitted Arboricultural Impact Assessment report is considered to be a true reflection of the trees existing on the site, indicative of their quality and value in accordance with the BS5837 criteria. Key constraints on the site appear to have been identified, therefore in principle the development appears to be fully achievable. However, there is some conflict on the plans where there is overlapping of the root protection areas with drainage channels/attenuations pool and roadways for example which will need to be addressed. As explained previously in this report, this is an outline scheme with only means of access into the site to be determined at this stage. It is considered that a suitable layout could come forward at the detailed stage to address these concerns and provide clarity that any areas of conflict are resolved through careful siting of the built form of the development. On this basis it is considered that there are no objections to the development on these grounds and that conditions could secure adequate tree protection and a landscape scheme such that the development would accord with policies GP38 and GP40 of the AVDLP, emerging policy NE8 of the VALP and with the NPPF and this matter should be afforded neutral weight in the planning balance.

Ecology

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscoote Road (*moderate weight*), NE1 (Biodiversity and geodiversity) (*moderate weight*)

- 5.84 An Ecological Enhancement Plan was submitted by the applicants and further detail has been provided in the form of a Biodiversity Net Gain Assessment and biodiversity metrics. It has been identified that there is potential for bats and nesting birds within the broadleaved plantation woodland and scattered trees and there is also limited potential for amphibians within the semi-improved grassland and refugia piles on the site. The impacts have been considered below:

Local statutory and non statutory sites:

- 5.85 The Council's Ecologist considers there is insufficient evidence to state the development

will detrimentally impact the conservation features of the Wellmore Meadow Biological Notification Site and Foscoote Meadow BNS. It is noted that the development site is separated from these BNS by a main road and there is fencing around the majority of the BNS. Further to this the proposed development established extensive areas of accessible green space for residents to utilise. It is acknowledged that there is likely to be an increased use of the public right of way through Foscoote Meadow and Pit BNS but other rights of way surrounding the site offer options for extended walks within the area. This uplift in recreational pressure is not considered to be a significant impact on the conservation features of the BNS in question.

Great Crested Newts:

- 5.86 There are no waterbodies present within the proposed development site and no ponds were identified within 500m of the northern boundary of the site. Four ponds were identified within 500m of the southern boundary of the site, one of these is within 250m and had historic GCN records, but is now separated by a residential development. The habitat of the proposed development site is considered to be sub optimum for terrestrial habitats for this species as the built element of the proposal is on the arable part of existing land use. The majority of the remaining habitat features present on site (grass perimeter to the arable field, hedgerow, scrub and mature trees) are being enhanced within the green spaces provision for the proposal. However, it is acknowledged that there is the potential for suitable habitat for GCN and that there is an increased likelihood of their presence within the surrounding landscape. Current Natural England interim guidance (January, 2020) for LPAs where District Licensing is available, stipulates that development projects that are located within 'Red' or 'Amber' impact risk zones must demonstrate proposals do not pose a risk to great crested newts, or, provide detail on the methods that will be used to safeguard against such risks, which may include licensing.
- 5.87 For a typical EPS licence from Natural England, The LPA (Buckinghamshire Council) must be satisfied that the impacts of the proposed development on European protected species (EPS) have been appropriately addressed and that a protected species licence can be obtained. The applicant would need to provide answers to the 'three licensing tests'. The answer to one of these tests (test 3: favourable conservation status of the species must be maintained) should come from the ecologist's report and is usually evidenced by way of further surveys that identify the presence/likely absence of a protected species on-site or within the local surroundings. The presence/ likely absence of GCN would need to be established in accordance with the Great Crested Newt Conservation Handbook (Froglife, 2001) – comprising a Habitat Suitability Index (HSI) assessment of nearby ponds (typically within 500m of the site unless demonstrated otherwise), eDNA survey and/or great crested newt pond surveys to determine presence/likely absence and population size, where necessary.
- 5.88 In terms of the District Licence route (Buckinghamshire Council District Licence), the three licensing tests would automatically have been met. By applying to use the District Licence through the LPAs delivery partner, NatureSpace, the applicant and the ecologist do not have to undertake further survey work (for great crested newts specifically) and can apply for the licence in the absence of survey information (however they can still use the District

Licence if further surveys have been already completed). In this instance, the evidence that should be provided to the Council would be a NatureSpace Report/Certificate, indicating that the development can be legally authorised under the District Licence scheme. However, this information is outstanding and the three-licensing tests will nonetheless be carried out below. Members will be updated at the meeting.

5.89 Given the potential for protected species to be found on the site which may require the applicant to obtain a NEPS Licence, Members were previously advised that the Local Planning Authority should have regard to the three tests that need to be satisfied before Natural England can issue such a licence if required; these tests are:

- 1) A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social and economic nature and beneficial consequences of primary importance for the environment.
- 2) The appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- 3) The appropriate authority shall not grant a licence unless they are satisfied ‘that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.’

5.90 Having regard to the three tests above, it is the opinion of the Local Planning Authority that there is an overriding public interest in this development due to the fact that there are significant social and economic benefits to the development scheme including: 1) the delivery of an emerging VALP allocation and related contribution to housing supply; 2) the provision of affordable housing; and also 3) the economic benefits that the scheme would bring, not only in terms of the construction of the development, but also the contribution that future occupiers of the houses would make to the local economy. The site has been assessed as being appropriate for residential development where the adverse impacts are outweighed by the benefits to deliver the requirements of housing need in the area. Given the level of growth required in VALP there is a need to release greenfield sites. Natural England recommend a proportionate approach is taken in considering the feasibility of alternative solutions relative to the likely harm. It is considered that the council has considered alternative sites through the local plan process and no satisfactory alternative has been identified. The council’s ecologist considers that a district license would provide for the satisfactory mitigation and through this process, the proposal would not be detrimental to the maintenance of the population of Great Crested Newts. The council’s ecologist also considers that the provision within these greenspaces proposed at the development would satisfy any licence requirements. Natural England have raised no objections. The agreement to the District License should be obtained prior to the issuing of any decision on this application. It is considered that the three tests can be satisfied, however as explained above pending the response of the applicants to the option of

pursuing the District Licencing approach, if a District Licence is sought then the three licensing tests will be satisfied.

Invertebrates:

- 5.91 The proposed development retains almost all of the habitats considered to be significant for invertebrate species namely the field perimeter, woodland hedgerows, scrub and trees as it is the existing arable element of the site that will be lost to the proposed dwellings. Further to this the retained existing features will be buffered with new areas of native grassland, trees and shrubs and the required SUDS area will provide further opportunities for this group of animals.

Nesting birds:

- 5.92 The retention of the hedge, scrub and tree species present on site and the uplift of these features with the inclusion of grass buffer strips and enhanced scrub, hedge and tree planting will provide continued opportunities for the bird species identified on site. There may be an impact due to the loss of the arable fields in respect of foraging but the species identified do not rely entirely on this habitat and adjacent fields are being retained. It is considered this impact is not significant to provide additional enhancements over those proposed. Its likely there will be an uplift in urban edge bird species as a result of the enhancements proposed.

Bats:

- 5.93 As with the impacts on birds and invertebrates the retention of the hedge, scrub and tree features on site as part of the development and the enhancements required the impact on bats is considered not to be significant. Lighting impacts to these areas have been addressed ensuring dark corridors are retained in the areas where green space provision is being established. The site is not considered to offer any bat roosting potential within the existing structures and the two trees proposed to be felled with low bat roost potential will be soft felled. Details of lighting for the development will be required by condition to ensure it is appropriate.

Ecological Enhancement Plan

- 5.94 This plan has not been established in its entirety and can be secured with a planning condition requiring the applicant to provide the document on determination of the actual site layout plan. This document will need to detail the ecological features identified in both the ecology assessment and the features detailed in the Biodiversity Net Gain Calculation. The plan will require long term management proposals to be set out in detail which will secure the features in perpetuity in line with local and national planning policy.

Biodiversity net gain calculation:

- 5.95 Habitat Units (spatial features) - The updated metrics submitted by the applicants in November 2020 show a unit gain of 2.40 habitat units which equates to an 11.51% net

gain. This net gain is in accordance to the requirement of Para 175 of the NPPF (Feb, 2019). This gain meets the requirement of the Environment Bill and the emerging Vale of Aylesbury Local Plan both of which are not currently mandated. Management of the proposed enhancements will require a long term management plan which will be conditioned in any planning approval as stated in the Ecological Enhancement Plan comment above. Questions have been posed in representations about the timescale element of the metric. The temporal multiplier for the various habitats types are set values with the metric and these values have been set to avoid such academic debates when planning permissions are being determined. These values (or temporal multipliers) were set by Natural England's Senior Advisors for the various habitat types, therefore these values should be given significant weight. The DEFRA metric 2.0 takes into account the losses and gains over each year accumulating these. The updated metric provided addresses the concerns raised over this matter.

- 5.96 Linear features – Hedgerows - The DEFRA metric does not take into account whether a hedgerow is 'important' under the Hedgerow Regulations or whether it is a Schedule 41 habitat (not protected). The metric is a tool which quantifies the net gain or net loss of a scheme when assessed against a variety of ecological criteria. The calculated net loss of hedgerows within the development can be mitigated for through native hedgerow planting elsewhere within the site, with details to be provided at the detailed stage and secured within the Ecological Enhancement Plan (to be secured by condition). There has been an updated review on the status of hedgerows present on site. Hedgerow H1, H3 and H4 are now considered to be in a good condition. The small losses to these hedgerows as a result of the proposed development are now included within the revised hedgerow metric calculation. These revisions show a slightly higher net loss of -0.96 hedgerow units. However, it is important to note that further mitigation for hedgerow loss can be provided at the detail designed stage through the provision of more hedgerow or native species planting in the green infrastructure package this scheme provides, which will be secured through the Ecological Enhancement Plan.
- 5.97 The updated FPCR metric dated November 2020 is therefore considered to demonstrate the proposed development can achieve a net gain in both habitat and hedgerow units. Consequently, the scheme is in accordance with current national and local guidance covering ecological and nature conservation.
- 5.98 Foxcote Reservoir is a SSSI and the impact of the proposed development on it must be carefully considered to ensure there are no adverse impacts. The reserve is designated a SSSI for overwintering waterfowl, specifically Shoveler, but has many additional bird species present that are of note. The BBOWT have raised objections to the development given concerns about the negative impact of increased recreational pressure on Foxcote Reservoir nature reserve and SSSI which they manage on behalf of Anglian Water. The proposed development brings the developed area of Maids Moreton within 500m of the SSSI.
- 5.99 The concerns of the BBOWT are acknowledged. There is no on site staff presence at the

current time and whilst there is no PROW directly to the side of the reserve from the application site, there would be an increase in visitors to the reserve, and there may be some negative effects from unauthorised access. However, the site is not adjacent to the SSSI and furthermore as pointed out by BBOWT, there may also be benefits in households living near the reserve and learning more about the nearby wildlife. In addition the provision of the open space on site and the LEAP/NEAP would ensure that alternative recreation areas are available not only to occupiers of the development but also the wider community which may reduce pressure on the nature reserve. To mitigate the potential harm to the notified features of the SSSI and the other wildlife that inhabit the nature reserve, BBOWT is requesting funding be provided to install a secure fence along the southern reserve boundary (approx. 800m) where informal access is most likely to occur and for new signage at the reserve entrance informing visitors of why dogs are not permitted and the importance of the site for wildlife. They have also commented that they would welcome each new household being provided with gift family membership of BBOWT. Having regard to the scale of the development and the potential impact on the reserve, the council's ecologist does not consider this a significant impact and thus the financial contribution for fencing requested by BBOWT would not meet the CIL tests necessary on planning grounds. It is considered that the provision of signage warning about unauthorised access is within the remit of BBOWT. Natural England have raised no objections to the development but have requested that regard is had to the comments of BBOWT and this has been undertaken above.

- 5.100 The application site is an allocated site in the emerging VALP, an allocation which the Local Plan Inspector found no issue with. The Council's Biodiversity Officer raises no objections subject to a condition to secure the various objectives and management of the site set out in the enhancement plan accompanying the application. This would ensure a net gain to biodiversity as set out above.
- 5.101 Further representations have been received raising concerns in respect of how the site has been assessed. The applicant's ecologist has reviewed the hedgerow assessment and this now takes in the hedgerows not accounted for in the first instance and will require an uplift in hedgerow retention and enhancement in the revised enhancement plan. The Biodiversity Net Gain calculation has been re-assessed using the DEFRA metric which is now the standard metric tool. The revised metric takes in the updated information and will require a greater uplift in gains on site. GCN can be dealt with under the district licence. These species were assessed in the original ecology assessment and restricted to the periphery of the site outside of the arable fields that will contain the proposed housing and not considered to be impacted due to the retention of those features. Further enhancements to these areas have been identified directly adjacent to the existing features and will need to be established in the enhancement plan. The ecological enhancement plan will be critical to ensure the concerns raised are appropriately addressed.
- 5.102 Having regard to the above, including the comments of the Council's Biodiversity Officer

and the mitigation proposed, whilst there is the potential for some harm as discussed above, having regard to the mitigation proposed and the ability to secure net gains, it is considered that the proposal would accord with emerging policy NE1 of the VALP and with the NPPF and that as such this matter should be afforded neutral weight.

Community facilities

AVDLP: GP86-88 Leisure and open space provision of community facilities and GP94 provision of community facilities, Sport and Leisure SPG and Ready Reckoner

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscombe Road (*moderate weight*), I1 green infrastructure, I2 Sport and recreation, I3 community facilities (*all moderate weight*)

- 5.103 The development proposes the provision of open space on site including a play space and this could be a combined LEAP and NEAP which would need to adhere to standards and buffer distances to dwellings and should achieve Good RoSPA rating, the details of which would come forward at the reserved matters stage. In addition a financial contribution towards off-site recreation provision would be required, the amount of which would be established once the mix of dwellings is determined. These matters would be secured in a legal agreement. This open space and play spaces will also provide an alternative recreation facility to Foxcote Reservoir SSSI and help avoid recreational impacts on the designated site as already referred to above. This is an outline scheme so the illustrative masterplan is subject to change, however, at the current time having regard to the application submission, it is considered that attention has been given to securing a safe environment such as limiting exposed rear boundaries and promoting natural surveillance and these matters could be further addressed at the detailed stage. It is also acknowledged that the provision of the open space and the play facilities on site would also bring some benefits to the wider community but is primarily to mitigate the development and is given neutral weight.
- 5.104 The Council's Education Officers have confirmed that with regards to primary school provision, the proposed development site falls in the Maids Moreton CE school catchment area. Primary schools in the planning area currently have a surplus of 11%, just above the DfE recommended surplus level of 5-10% required to allow for year on year volatility in pupil demand. However, the Council projects that demand, including estimated pupil growth from over 700 homes with outstanding housing permission, will rise to take up any existing surplus capacity. Therefore, the Council will require the application scheme to make a contribution towards the expansion of primary school facilities at Buckingham Primary School/Maids Moreton School to accommodate future housing. Rolls have been rising steadily at secondary schools in the Buckingham and Winslow area which serve the development – with all schools currently full in the lower year groups. Pupil growth from current outstanding housing permission is projected to put significant increased pressure on secondary schools – with a deficit of places projected. The Council's current plan to meet the projected rising demand is to expand capacity at Buckingham Secondary School

and a financial contribution towards this would be required. This would be secured as part of a legal agreement.

- 5.105 Whilst the proposed development would place a demand on local health facilities, no comments have been received on the application from the CCG and funding of such facilities is through central government.
- 5.106 Having regard to the above, it is considered that, subject to the completion of a S106 in respect of the above matters, the proposed development would accord with the AVDLP policies GP86-88 and GP94, emerging VALP policies and it is concluded that the proposed development would create safe and healthy communities in accordance with the guidance set out in the NPPF.

Raising the quality of place making and design

AVDLP Policies GP.35 (Design of new development proposals), GP.38 (Landscaping of new development proposals) and GP45 ('Secured by Design' considerations)

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscode Road (*moderate weight*) BE2 (Design of new development) and NE4 (Landscape character and locally important landscape) (*moderate weight*)

- 5.107 This is an outline application with only means of access to be determined at this time. Matters of external appearance, landscape, scale and layout are reserved for future determination. The Design and Access Statement accompanying the application refers to key buildings and vistas being positioned to terminate views and facilitate way-finding and navigation. New walking and cycling routes would be incorporated into the scheme and would connect with existing public rights of way. Green space would be generously provided and the countryside edge would be treated in an informal way (also playing a part in the SuDS scheme).
- 5.108 Given that this is an outline scheme no details of house designs have been provided. However the applicants have indicated that materials will be selected to ensure the development respects the local character and would be sourced locally where practical. A variety of dwelling sizes including detached, semi-detached and terraced properties are indicated on the illustrative layout masterplan. The Landscape and Visual Assessment indicates that the dwellings would have a maximum height of two and a half storeys. This varied scale of development would be in keeping with the character of the area which overall has a predominance of two-storey development.
- 5.109 A landscape buffer, incorporating swales and an attenuation pond, are shown to the northern boundary of the site. Existing hedgerows at the existing field boundaries (including those going north-south within the site) are shown to be retained, except

where the access road makes its way through the site. Along the southern edge of the site adjacent to Manor Park, proposed gardens are shown backing onto existing gardens. The masterplan is illustrative and there are further opportunities to increase the use of perimeter blocks and to decrease the number of exposed rear boundaries within the scheme and these can be pursued at the detailed stage to ensure that due regard is had to good urban design principles.

5.110 The applicants have indicated that the development would be designed in accordance with Secured by Design principles such that houses will be back to back or abut each other, front doors will be overlooked, parking will be provided close to the dwelling it serves and predominantly within the curtilage of the dwellings. Highways and pedestrian routes are integrated to provide ease and safety of movement whilst maintaining legibility through the site and that they are naturally surveyed. There will be natural surveillance of dwellings and the green spaces will be overlooked by several properties. Private space will be clearly defined with property frontages landscaped to reinforce this. Again these details would be carefully considered at the reserved matters stage.

5.111 Having regard to the above matters and acknowledging that further consideration would have to be given to these matters at the detailed design stage, it is considered that the development of the site could achieve a well designed space.

Making Effective Use of Land:

5.112 A good mix of dwelling types are proposed ranging from two to five bedroom dwellings and these would be distributed across the site so that particular sized dwellings would not be unduly clustered. The site area extends to some 8.649ha and assuming that 170 dwellings come forward as part of a detailed scheme, this would represent a density of 19dph. Looking at just the developable area of the site at 5.62ha, and assuming again a scheme of 170 dwellings, this would represent a density of 30dph which would not be unacceptable for this edge of settlement location. Consideration has been given to the landscape and settlement character impacts and to matters of good design as discussed above and these are considered to have been satisfactorily addressed. A number of highway matters are to be secured by way of the S106 legal agreement which will include a contribution to public transport and agreement of a travel plan to reduce car usage. In addition improvements to the PROW will be made to enable better access to the village's amenities and facilities and to the public transport. Whilst the development would result in the loss of BMV agricultural land this would not significantly affect the Vale's overall supply. Consideration is given elsewhere in the report to the impact on the natural environment, living conditions and character of the area as well as securing a well-designed development and healthy place to live, promoting sustainable travel and impact on infrastructure and services. It is considered that the development overall would make effective use of the land such that this matter should be afforded neutral weight in the planning balance.

Conclusions on quality of place making and design

5.113 Overall, it is considered that a detailed scheme could come forward to provide an attractive good quality residential scheme. in accordance with policy GP.35 of the AVDLP, emerging polices BE2 and BE4 of the VALP and the NPPF.

5.114 ***Historic environment (or Conservation Area or Listed Building Issues)***

AVDLP policy GP53 (New development in and adjacent to Conservation Areas)

Emerging VALP policies D-MMO006 Land east of Walnut Drive and west of Foscode Road (*moderate weight*), BE1 (Heritage Assets) (*moderate weight*)

5.115 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and to the desirability of preserving the setting of a listed building. In respect of conservation areas, this is generally reflective of policy GP53 of the AVDLP and emerging policy BE1 of the VALP which make more specific references to individual characteristics which should be preserved and include, for example, views into or out of conservation areas. However, saved policy GP53 of the AVDLP is not entirely consistent with the 'language' of the paragraphs 193 and 196 of the NPPF, which apply in this instance. Notably, GP53 does not address: 1) a heritage assets 'significance'; 2) how this harm should be quantified; and 3) the balancing of harm against public benefits. It is therefore considered that policy GP53 can only be given limited weight.

5.116 The site itself does not lie within the Maids Moreton conservation area, the boundary of which lies to the south-west of the site and covers the village centre and a larger area encompassing Scotts Lane, the Buckingham Arms and the earthworks to the north-west of these. There are no important views identified in the conservation area document into or out of the application site in respect of the conservation area. In terms of the potential effects of the development these are set out below:

Impact of the built form of the development on the conservation area and listed buildings

5.117 The Council's Historic Buildings Officer acknowledges that the application site is visually separated from the Maids Moreton Conservation Area and the Listed Buildings within it, which are designated heritage assets, by a belt of more recent development to the immediate north of the designated assets. Aside from glimpsed views from the junction of Walnut Drive and Main Street it is therefore unlikely that the proposed development will be visible from the Conservation Area or listed buildings and given the presence of modern housing already on this edge of the village there will be no impact on views into the conservation area from the north. The application is accompanied by an indicative

masterplan which takes into account the existing site features including the specimen trees and it offers buffering to the sensitive landscape context to the north and to a lesser extent the existing residential development to the south. The development is primarily serviced via a principal spine road which runs east-west across the site. The spine road has a fairly informal series of curves servicing a number of subsidiary clusters and cul-de-sacs. In terms of character and typology, the development is not dissimilar to the C20th estates immediately to the south and has a fairly loose knit grain of detached and semi-detached dwellings. It is considered that in terms of the impact of the built form of the development itself, the proposal would preserve and not harm the appearance and character of the conservation area and preserve the setting of the listed buildings.

Impact of the mini roundabout on the conservation area and listed buildings

5.118 The proposed highway works to upgrade the T-junction at the end of Walnut Drive to a mini-roundabout are within the conservation area and nearby some listed buildings and general views along Main Street are noted in the conservation area document. In addition alterations are proposed to College Farm Road at its junction with Church Street. The impact of these works within the highway on the conservation area and setting of listed buildings is assessed below.



5.119 The highway works will have a minor impact on the setting of three listed buildings Scotts Farm House Towcester Road (Grade II), Corner Cottage Main Street (Grade II) and The Wheatsheaf PH (Grade II) which lie close to the junction and the Maids Moreton Conservation Area, and identified buildings of 'Local Note'. The grass verge on the eastern side of the junction is recognised as an important green space and contains an important

tree, both of these will remain. The works are confined within an established highway, there are numerous examples of similar mini roundabout features in conservation areas and in the vicinity of listed buildings and modern housing already exists on this edge of the village. These highway works will have a minor negative effect on the significance of the designated heritage assets at the lowest end of the less than substantial harm spectrum in terms of the NPPF. This minor harm attracts great weight.

- 5.120 With regard to the local buildings of note, including Old Walls on the corner of Walnut Drive and The Cottage and works opposite, these are non designated heritage assets and lie within the conservation areas, the highway works would have a minor negative effect on the significance of the heritage assets.
- 5.121 The treatment of this roundabout and any accompanying signage should pay special regard to the conservation area context using the sympathetic heritage palette of materials and associated signs in accordance with the adopted highway protocol for conservation areas.

Impact of traffic calming works near Church Street/Church Close/College Road on the conservation area and listed buildings

- 5.122 Further highway works include a localised narrowing of College Road adjacent to the junction with Church Close, along with a gateway feature with additional road markings where the 30mph speed limit begins, potential footways are to be provided in the vicinity of the church replacing the current vehicular carriageway closest to the church and the green space to the front of the church is to be marginally altered to the curve of the northern point. 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. Some important views are noted in the conservation area document towards the front of the church from the hall opposite, and South Hall/ Hall Close junction which would not be affected, and general views along College Road and it is also noted that the triangular area and grass verge along the front of the church is identified as being an important green space.
- 5.123 These proposed highway calming works which are adjacent to the Grade I Listed St Edmunds Church and within the conservation area would have some impact on these designated heritage assets. The extent of change to this green space as a feature in the conservation area would be marginal, and there would be some benefit from removing traffic from that part closest to the church. Subject to design detail, it is considered that this work will preserve and not harm the overall green space feature and the appearance and character of this part of the conservation area, the wider conservation area and the setting of the listed church. Further precise detailing of these calming measures will be required through the detailed design process.

Impact of construction traffic on the conservation area and listed buildings

- 5.124 The impact of increased vehicular movement and heavy vehicular movement has also been raised in representations through the application process. Given the narrow and

enclosed nature of the historic street pattern, concerns have been raised that there is an increased likelihood of movement, vibration and damp penetration to historic fabric. However there is limited evidence accompanying the submission or in representations on this matter and it would be unreasonable to apportion any accurate level of harm given the road is already in heavy use as a principal thoroughfare. This is not an unusual position with listed buildings close to a road used by vehicles. Whilst there may be heavier vehicles passing these buildings during construction, a construction traffic management plan will be required by condition which will include securing details of routing of construction traffic which will mitigate the impact through Main Street. It is therefore considered that no harm would occur in this respect and it would preserve the appearance and character of the conservation area and preserve the setting of the listed buildings.

- 5.125 The Council have a 'Highway Protocol for Conservation Areas' document which will be used to inform the detailed design of the S278 works as part of the Highway Authority approvals and this advises of a sensitive approach to be taken with the use of materials for example which should be sympathetic to the character of the area. In addition as part of the detailed design of the S278 works a quality audit will be required by the Highway Authority. Furthermore a construction traffic management plan will be required by condition and this will address matters such as construction traffic routing to limit the impact on the historic buildings and conservation area.
- 5.126 Special regard as outlined in this assessment has been given to the statutory test of preserving the conservation area and listed buildings under sections 72 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which is accepted is a higher duty. It is considered that in terms of the impact of the built form of the development itself, the proposal would preserve and not harm the appearance and character of the conservation area and preserve the setting of the listed buildings. The traffic calming works in the vicinity of the church would preserve and not harm the appearance and character of this part of the conservation area, the wider conservation area and the setting of the listed church. The impact arising from traffic would preserve and not harm the appearance and character of the conservation area and preserve and not harm the setting of the listed buildings. However, having regard to the siting of the mini roundabout and its associated works including signage, it is considered that there is identified harm which is at the lower end of the scale of the less than substantial test, to which great weight is given as required under paragraph 193 of the NPPF. In accordance with paragraph 196 of the NPPF the harm must be weighed against the public benefits and this exercise is undertaken later in the report.

Archaeology

- 5.127 An archaeological evaluation has been undertaken at this site and has included a geophysical survey and trial trenching. The results of this showed that archaeological remains encountered across the site correspond closely to the interpretation of the geophysical survey. This suggests that the geophysical survey results are a fairly reliable indicator of the extent of remains at the site although some features, particularly those

that were either small or shallow, were not always apparent on the survey. Excavation has also indicated that although remains survive across much of the site, they have in places been heavily truncated, probably by ploughing. Nonetheless, some substantial linear features surviving to almost 1m deep were recorded. The site can be shown to have a high archaeological potential for evidence of Roman settlement and agricultural activity across all three fields, as well as prominent evidence of later medieval agricultural ridge and furrow cultivation. There is also the potential for evidence of prehistoric activity in the eastern field.

- 5.128 Having regard to the above matters, the Council's Archaeology Officer considers that as the development has the potential to harm a heritage asset's significance without proper investigation, a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results and reflects the requirements of criteria g) of emerging policy D-MMO006 and mitigate any impact and accord with the NPPF.

Flooding and drainage

Emerging VALP policies D- MMO006 Land east of Walnut Drive and west of Foscode Road (*moderate weight*), I4 (Flooding) and I5 (water resources and wastewater infrastructure) (*both moderate weight*)

- 5.129 The application site is located within Flood Zone 1 which is defined by the Environment Agency as being at low risk of flooding. A Flood Risk Assessment (FRA) has accompanied the application and the Council as the Local Lead Flood Authority has considered the information provided. There are no records of fluvial flooding of the site and the Environment Agency maps indicate that there is a low risk of surface water flooding. The drainage of the site will be by soakaways with storm water going to the ditch on the eastern border of the site to be discharged at greenfield rate. Once soakaways within the site are saturated then surface water will go to the wetlands, the infiltration basis and swales. There will also be biodiversity and ecological benefits as a result of these drainage systems and they will also provide treatment of the water quality.
- 5.130 The LLFA are satisfied that the development would proceed using sustainable urban drainage systems and raise no objections to the development subject to securing a detailed surface water drainage scheme for the site and its long term maintenance. As such it is considered that the development would be appropriately flood resilient and that surface water drainage has been accounted for. A satisfactory surface water drainage scheme and its long term maintenance would form part of the S106 legal agreement.

- 5.131 Emerging policy D-MMO006 of the VALP requires an updated assessment of wastewater treatment works capacity to be carried out, working with Anglian Water, to identify the need for infrastructure upgrades and how and when these will be carried out to inform site delivery. It is considered that this matter could be adequately addressed by condition to secure the submission of an appropriate foul water drainage scheme and in consultation with Anglian Water and on this basis the development would accord with emerging policies Policy I5 and D-MMO006.
- 5.132 Having regard to the above matters, it is considered that the development could be appropriately flood resilient and that surface water drainage and foul drainage has been accounted for and as such the development would accord with emerging policies D-MMO006, I4 and I5 of the VALP and with the NPPF.

Supporting high quality communications

Emerging policy I6 (Telecommunications) (significant weight)

Paragraph 114 of the NPPF requires Local Planning Authorities' to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communication services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development. In accordance with emerging policy I6 of VALP, developers are also expected to have explored the option of providing on-site infrastructure, including ducting to industry standards in any new residential development for efficient connection to existing networks. A planning condition will ensure that this is adequately addressed.

- 5.133 Overall it is considered that the proposal would accord with emerging policy I6 of the VALP and with the guidance set out in the NPPF in this regard.

Amenity of existing and future residents

AVDLP - GP.8 (Protection of the amenity of residents)

Emerging VALP policy BE3 (Protection of the amenity of residents) and NE5 Pollution, air quality and contaminated land (*both considerable weight*)

- 5.134 This is an outline scheme with only the means of access into the site to be determined. The Design and Access Statement submitted indicates that development would be a maximum of 2.5 stories high and that all gardens will be at least 10m in depth with back to back distances in excess of 21m and the illustrative scheme does indicate that suitable amenity space could be provided for future occupiers with sufficient space between to address overlooking and loss of privacy. The development site does about the rear gardens

of dwellings on Foscombe Road, The Pightle and Manor Park, but separation distances indicated appear to be satisfactory and in the region of 20m or more, which would ensure that no loss of light, privacy or outlook would result. Whilst concerns have been raised regarding the loss of a view, private views such as this are not a material planning consideration. It is considered that the illustrative masterplan adequately demonstrates that the proposal can be designed to avoid unneighbourly relationships between dwellings.

- 5.135 Whilst there will inevitably be some noise and disturbance during construction works, this is temporary and a construction management plan could be secured by condition to ensure construction storage is adequately controlled along with deliveries and dust suppression. In addition whilst there will be some increase in noise and impact from traffic compared to a green field through the occupation of the development, this would not be unusual nor to an unreasonable level to justify a refusal. No objections have been received to the development from Environmental Health.
- 5.136 The development is a residential proposal with play areas and does not require specific lighting, other than would come forward as part of the highway requirements for safety. Further consideration will also be given to this matter at the detailed stage. Also given the nature of the development it is not considered that it would adversely affect air quality. With regard to contaminated land, the existing land use of the site is for agricultural purposes. The report submitted with the application states that the site has remained relatively undeveloped until the time of the investigation with the exception of a farm located within the eastern field of the site. However, several potential sources of contamination have been identified as being present including the potential for made ground, pesticides, elevated metals within natural soils and ground gases from organic materials present within localised made ground. Therefore the Phase 1 investigation concludes that the site requires an intrusive investigation and assessment to inform the design of the proposed residential development. Based on this conclusion a ground investigation was completed. The ground investigation identified that elevated levels of arsenic were present across the entire site. The report states that there is no evidence of man-made sources of arsenic at the site. However, the geology present is known to have naturally high levels of arsenic as identified within the Advanced Geochemical Atlas of England and Wales. The report goes on to say that this exceedance is not considered a significant risk to human health and is in line with the current Contaminated Land Statutory Guidance, which accepts that there may be natural background levels of substances as a result of the geology. However, the Council's Contaminated Land Officer agrees with the recommendation that further assessment is undertaken using bioaccessibility testing to determine the likely risk present to human health from the elevated levels of arsenic present at the site and that based on the results of the bioaccessibility testing, remedial works may be required. Conditions can be imposed to address this. No other elevated contaminants were identified as being present at the site. On this basis the development is considered to have addressed these elements of emerging Policy NE5 of the VALP and with the NPPF.

5.137 In summary it is considered that the proposed development would not unduly harm the residential amenities of nearby properties in terms of their light, outlook or privacy. Although there will be some impact from construction traffic a condition can require the submission of a Construction Traffic Management Plan to ensure that amenities are adequately protected. It is considered the proposed development would ensure an adequate level of residential amenity for existing and future occupiers in accordance with Policy GP8 of the AVDLP, emerging policies BE3 and NE5 of VALP and NPPF advice.

Building sustainability

Emerging Policy C3 (Renewable Energy) of VALP (*moderate weight*)

5.138 The development would be required to be constructed using sustainable methods of construction, and include electric charging points and this could be detailed at the design stage. In addition details of schemes to utilise renewable energy could be secured at the detailed application stage and the applicants have been advised that the development will seek high water use efficiency. As such that the development would accord with emerging Policy C3 of the VALP and with the NPPF in this regard.

6.0 Developer contributions

6.1 As noted above, there are a number of requirements which would need to be secured in a Planning Obligation Agreement to secure their delivery including the matters below:

- Financial contribution towards primary and secondary education provision
- 30% affordable housing on site
- A financial contribution towards off-site sport and leisure provision and amenity space maintenance
- On site provision of a LEAP and NEAP, including its future maintenance
- SUDs provision and maintenance
- Full Travel Plan and review fee
- A financial contribution towards the Buckingham Transport Strategy
- Monitor and Manage Strategy of the impact of the development traffic on the junction of College Farm Road and the A422 Stratford Road for the period of 1 year after final occupation of the development. To supply the Council with details of vehicles from the development using the College Farm Road junction with the A422 Stratford Road. At the end of this period it will be decided if further mitigation works to the junction are required
- Financial contribution towards junction improvements to the College Farm Road junction with the A422 Stratford Road should, after the monitoring period, improvements as a result of the proposed development be required. If the improvements are not required, then the Contribution shall go towards the Buckingham Transport Strategy.
- Public Transport Contribution towards the funding of an improved hourly bus

service

- Financial contribution towards a Traffic Regulation Order for the additional waiting restrictions in the vicinity of the proposed mini roundabout junction at Walnut Drive/Main Street, additional waiting restrictions in the vicinity of the priority working on Foscoote Road and relocation of the speed limit transition point to 30mph north of the proposed site access on Foscoote Road.
- Highway Works Delivery Plan to secure the following off-site highway works:
 - Alterations to the junction of Walnut Drive with Main Street to form a mini roundabout junction, as shown in principle on drawing number 1158-01 Rev L, to also take into account the 'Highway Protocol for Conservation Areas' document and include a Quality Audit;
 - Alterations to Foscoote Road between the proposed site access on Foscoote Road and the existing footway provision at Manor Park to provide a new 2m footway, as shown in principle on drawing number 1158-02 Rev E;
 - A traffic calming scheme in the vicinity of the College Farm Road junction with Church Street as shown in principle on drawing number 1158-F07 Rev D, to also take into account the 'Highway Protocol for Conservation Areas' document, include a Quality Audit and also be subject to public consultation;
 - Alterations to the carriageway surfacing and signage on the A422 Stratford Road in the vicinity of the College Farm Road junction as shown in principle on drawing number 1158-F08 Rev A;
 - A traffic calming scheme including works to the carriageway surfacing and signage on Towcester Road/Duck Lake in the vicinity of the junction with Main Street on entry to the village, to also take into account the 'Highway Protocol for Conservation Areas' document, include a Quality Audit and also be subject to public consultation;
 - A crossing on the A422 Stratford Road, type and exact location to be agreed with the Highway Authority, to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club
 - Junction improvements to the Moreton Road junction with the High Street (Old Gaol roundabout) to include:
 - Lane Markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes. All lines and signs to be in accordance with the Department of Transport's current 'Traffic Signs Regulations and General Directions'.
 - A pedestrian refuge on Moreton Road in the vicinity of the 'Old Gaol' roundabout, to provide safe crossing facilities to town centre services
 - Keep Clear markings across the junction of the public car park on Stratford Road in the vicinity of the 'Old Gaol' junction, to assist the bus exiting the High Street and facilitate movements on the network.

6.2 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; 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.

In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures, if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development.

7.0 Weighing and balancing of issues / Overall Assessment

7.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

7.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 7.3 The proposal would not comply with policy RA14 of AVDLP and thus the proposal is not in accordance with the development plan. There are relevant development plan policies that apply to this application. Those policies which are most important for determining this application are RA14, GP2, GP35 and GP53. Policies RA14 and GP2 are not consistent with the NPPF for the reasons given above and are therefore regarded as out of date and afforded very limited weight. Policy GP53 is not wholly consistent with the NPPF, is out of date and thus is given limited weight. Policy G35 is however in full compliance with the NPPF. It is considered that given 3 out of these 4 policies are out of date taken as a whole it is considered that the development should be determined in relation to paragraph 11(d) of the NPPF.
- 7.4 As set out above it is considered that the proposed development would accord with most of the development plan policies, except for policies RA14 and GP53, to which very limited and limited weight is applied for the reasons set out above.
- 7.5 As explained earlier in this report special regard has been given to the desirability of preserving or enhancing the character or appearance of the conservation area and to preserving the setting of listed buildings as required in the statutory tests contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the listed buildings and their settings it is considered that the impact of the built form itself, the impact of the highway works in the vicinity of College Farm Road junction with Church Street and St Edmunds Church and impact of traffic would preserve and not harm the setting of the listed buildings. The minor negative effect of the proposed mini roundabout at the junction of Main Street and Walnut Drive on the setting of the listed buildings within the conservation area is acknowledged but this is an established highway and modern housing already exists on this edge of the village. As such the effect on the significance of the listed buildings and their settings is considered to be at a lowest level of harm and would be less than substantial harm in terms of the National Planning Policy Framework to which great weight is given. With regards to the impact on the character and appearance of the Conservation Area, the impact of the built form itself, the impact of the highway works in the vicinity of College Farm Road junction with Church Street and St Edmunds Church and impact of traffic would preserve and not harm the appearance and character of the conservation area. It must be noted that the affected areas relating to the mini-roundabout and its associated works at Walnut Drive and Main Street are relatively small in the context of both the localised and the whole conservation area, and so it is the contribution that these small portions make to the understanding of the character of the conservation area which must be considered. The level of harm would be at the lower end of the spectrum of less than substantial harm to the significance of the Maids Moreton Conservation Area in National Planning Policy Framework (NPPF) terms to which great weight is given.

- 7.6 It is therefore necessary to consider whether the public benefits of the scheme would outweigh the great weight given to the limited harm to the conservation area and the setting of the listed buildings arising from the mini roundabout at the junction of Main Street and Walnut Drive. There would be public benefits to the delivery of this emerging allocated site and its contribution to housing land supply and affordable housing and the proposal would also provide economic benefits from the construction of the development itself and the subsequent occupation of the dwellings whose occupiers would contribute to the local economy. The view of officers is that the potential benefits of the scheme set out above would outweigh the limited harm identified. Having regard to this, it is considered that there is no clear reason for refusal on this ground.
- 7.7 The scheme has also been considered acceptable in terms of its impact to residential amenity, achieving well-designed places, parking and access, promoting sustainable transport, meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed neutrally.
- 7.8 In addition to the heritage harm set out above, there would be harm to the character of the landscape and on the settlement character which would be a moderate negative impact and the development would result in loss of BMV agricultural land which would be of limited negative impact.
- 7.9 There is also the recognised potential harm to great crested newts and the highway impact which can be appropriately mitigated to address the harm as outlined above and thus neutral weight is given to this.
- 7.10 It is acknowledged that there would be significant benefits in terms of both the contribution to housing supply and affordable housing and that as a result of population growth there would be considerable benefits from investment in construction and the local economy.
- 7.11 In the terms of applying paragraph 11(d) of the Framework it is concluded that there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. It is considered that weighing all of the adverse effects and benefits, together with the relevant measures to mitigated issues outlined above, it is considered that the adverse effects of the proposal would not significantly and demonstrably outweigh the benefits.
- 7.12 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

8. Working with the applicant / agent

8.1 In accordance with paragraph 38 of the NPPF (2019) the Council approaches decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

8.2 The Council has worked with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

8.3 In this instance:

- The applicant was provided the opportunity to submit amendments and additional information to the scheme/address issues.
- The application was considered by the Strategic Site Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

9. Recommendation

9.1 The officer recommendation is that the application be Deferred and Delegated to officers for approval subject to the satisfactory completion of a S106 agreement to secure the requirements set out in the report, subject to securing a District Licence to address protected species and subject to any conditions considered appropriate or refuse if a satisfactory S106 agreement cannot be completed for such reasons as officers considers appropriate.

Appendix

Local Member comments:

A1.0 Cllr Warren Whyte made comments previously on the application and has confirmed that his objections are on the same grounds as previously submitted, together with the additional concern that the applicant seems unable to agree a Section 106 agreement. He has raised concerns over the principle of the development, impact on the highway, parking, character of the area and heritage

Previous comments: 'there has been a huge number of valid concerns raise about this application from residents and the Maids Moreton, Foscoote Parish Councils and Buckingham Town Council and I see little in the application that merits approval, and am particularly concerned at the lack of consultation with immediate neighbours on land and access assumptions (on Main Street and Foscoote Road) and the lack of understanding of the general road situation in the vicinity and the knock on effects to Foscoote, Buckingham Town Centre and College Farm Road (Mill Lane). I would like the opportunity to address the Committee to oppose this scheme.'

Additional comments: My previous comments on the highway impact of this application still stand but I am particularly concerned that the applicant has made no effort to deal with the contentious issue of the imposition of a roundabout on Main Street, so must reiterate my significant concerns. As the council's own assessment (3/11/20) says:

"The applicant has however provided drawing number 1158-01 Rev M, which shows visibility splays passing within either highway land or land under control of the applicant, and clear of third party land. The Highway Authority is satisfied that these splays can be secured. It is also important to note that the mini roundabout still has to go through the detailed design process as part of a S278 Off Site Highway Works Agreement, where any outstanding details can be addressed."

"Both the Traffic Management Officer and the Highway Authority are satisfied that the matters relating to the proposed junction improvements are adequately addressed."

This still ignores the impact on perfectly legal on street parking for the adjacent businesses and homes and the removal of this to facilitate a speculative housing development does not appear proportionate or fair, and the applicant has made no effort to mitigate the impact on the current residents, businesses or indeed the impact in the conservation area, and there is clearly a difference of opinion on what the definition of "adequately" is. While this may appear to the applicant and the Council as merely "detail design", it is fundamental in the ability to gain access to the proposed site safely and without harm to the Conservation Area, and it is very regrettable that the applicant has not taken the opportunity, since the original committee meeting, to work on the detail of this junction to reduce the impact on the village. The transport officer's assessment is subjective on only technical issues, and needs to be properly considered by the urban design officer and heritage officer too. I consider the harm caused by this alien urban form

being forced into the heart of Maids Moreton and its Conservation Area to be unjustifiable.

Further comments: Cllr Whyte also endorses the questions raised by the Maids Moreton and Foscoate Action Group regarding the relevance of the application being seen by the Strategic Committee rather than the more sensible North Area Planning Committee.

Town/Parish Council's comments

A1.1 Maids Moreton Parish Council – Object to the development on transport safety and congestion grounds, poor accessibility to public transport, significant adverse impact on landscape character including light pollution, impact on public footpath, loss of agricultural land, pattern of hedgerows diminished, impact on wildlife patterns, fundamental change to Maids Moreton and conflict with Policy RA2 of AVDLP, impact on doctors and schools, concerns about impact on sewerage system.

A traffic survey has been submitted by the Parish Council which has been reviewed by the applicants and the Highway Authority.

Maids Moreton Parish Council comments on draft S106:

- Continue to be strongly opposed to the development, acknowledge need for affordable housing
- College Farm Road is referred to, but this is known locally as Mill Lane
- Bus service should be adequate to allow those commuting to work to do so by public transport (6.30am into Buckingham, 20.00 back). Bus times and routing must also take account that most medical services are being transferred out of the town to Lace Hill and must serve the whole village not only the development.
- Travel Plan achieving a 10% reduction in car use is inadequate and trivial reduction. Development is increasing the traffic by 60%, travel plan should limit increase to no more than 15%.
- Should refer to 'monitor and manage not 'monitor and review'
- Proposal based on outdated figures, remote study and computer models rather than fact-based reality of current traffic level and road conditions.
- Monitor and review is completely unacceptable, need comprehensive baseline study to record current traffic levels at all the critical points, analysed and reviewed prior to any work starting; also after traffic levels have returned to pre-covid-19 levels.
- Mill Lane, Avenue Road and Main Street should be added
- Should have appendix with public transport and traffic management integrated, should include detailed monitoring and provision for changes as soon as problems become evident; development to stop until problems of excessive traffic are remedied.
- Measures laid down in appendix H (highway works) must be reviewed to see if they are necessary (junction at Walnut Street, intrusive signage, footpath on Foscoate Road, traffic calming at church Street/Mill Lane and A422/Mill Lane, also the

developer to provide for remedial work and restoration to damage to buildings through vibration to be included in the CTMP).

- Remain unconvinced that the development would accord with the HELAA
- Affordable housing is to be dispersed across the site, the S106 refers to clusters of not more than 15 as houses or 18 as flats and must be changed to be compliant.
- Should include fibre-optic high speed broadband cabling
- Would prefer spatial separation of NEAP and LEAP, MMPC willing to adopt areas
- CTMP should be included

Further comments

Maids Moreton Parish Council has consistently objected to this application since it was initially submitted in January 2016. We have had sight of the very detailed document that was recently submitted by the Maids Moreton and Foscote Action Group (MM&FAG) and would endorse all that is written therein. At the risk of repeating the arguments, we would like to emphasise the following points.

Sustainability - The site in question does not meet the economic or environmental objectives as referenced in the NPPF.

Employment - There are minimal employment opportunities in the village. The main area of local employment is situated to the south and west of the town of Buckingham, some 4km. distant by road. There is a mass of evidence to demonstrate that the likely employment destinations for residents in the village are Aylesbury, Milton Keynes or further afield, all of which are only accessible from Maids Moreton by use of the private car. There is no regular bus service that would co-ordinate with working hours. Please see the detailed section on Traffic and Transport Issue below.

Environmental - Considering that as late as May 2016 when the HELAA stated that the site was unsuitable for development as it "would not relate to existing pattern of development of the village, would extend the village significantly north east into open countryside and there is no suitable access to the land ", there are no grounds for stating that it is a sustainable location. As pointed out by the MM&FAG, this is further evidenced by the Technical Annex (TA 2017) to the Sustainability Appraisal in the VALP suite of documents.

VALP POLICIES 52, 53, NES

We have on numerous occasions objected to the classification of Maids Moreton as a 'medium' village within the Settlement Hierarchy. To be so judged, the Settlement Hierarchy asks that it meets at least 6 or 7 of the stated criteria. Maids Moreton has only 4 of these criteria, rising to a possible 5 if the current infant school is expanded to become a full primary. Notwithstanding the miscalculation of Maids Moreton, Policy 52 Spatial Strategy for Growth (VALP) states: At medium villages, listed in Policy 53, there will be housing growth of 1,095 at a scale in keeping with the local character and setting. This proposed development of 170 houses would effectively increase the population of our

village by 60%. This is demonstrably not at a scale in keeping with the local character of Maids Moreton. Neither is it in keeping with the setting, which it is acknowledged would have a "serious negative impact" on the open countryside east of the village overlooking Foxcote Reservoir and the Foxcote Valley. In this respect, the development also contradicts Policy NES, which states: "development should be located to avoid the loss of important on-site views and off-site views towards important landscape features"

We note from the independent report produced by Professor Shreeve that the considerable loss of habitat and the subsequent biodiversity loss could not be replaced, let alone enhanced, for another thirty years.

S3 Settlement Hierarchy and Cohesive Development

In considering applications for building in the countryside the Council will have regard to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements. Although Maids Moreton is in close proximity to Buckingham, its larger neighbour, the village has succeeded in maintaining an historic independence and an individual identity. There is a cohesive village community which is clearly separate to the nearby town. Depositing 170 houses on the edge of the village contradicts Policy S3, which states "new development in the countryside should be avoided, especially where it would: a) compromise the character of the countryside between settlements and b) result in a negative impact on the identities of neighbouring settlements or communities leading to their coalescence.

Consultations

The applicant held a public consultation exercise in the Christmas period of December 2015. From which emerged the very strong opposition to the proposed plans. The application when it appeared in January 2016 took no account of this "tick the box" exercise and since then the applicant has made no attempt to engage with the local community, nor with the Parish Council at critical stages. We consider this a significant breach of the planning policy guidance on the need for applicants to consult with the local community. It is also important to involve land owners and promoters; local property agents; developers; local communities; Local Enterprise Partnerships; businesses and their local representative organisations; parish and town councils and neighbourhood forums preparing neighbourhood plans. Paragraph: 007 Reference ID: 3-007-20190722

Historic Environment

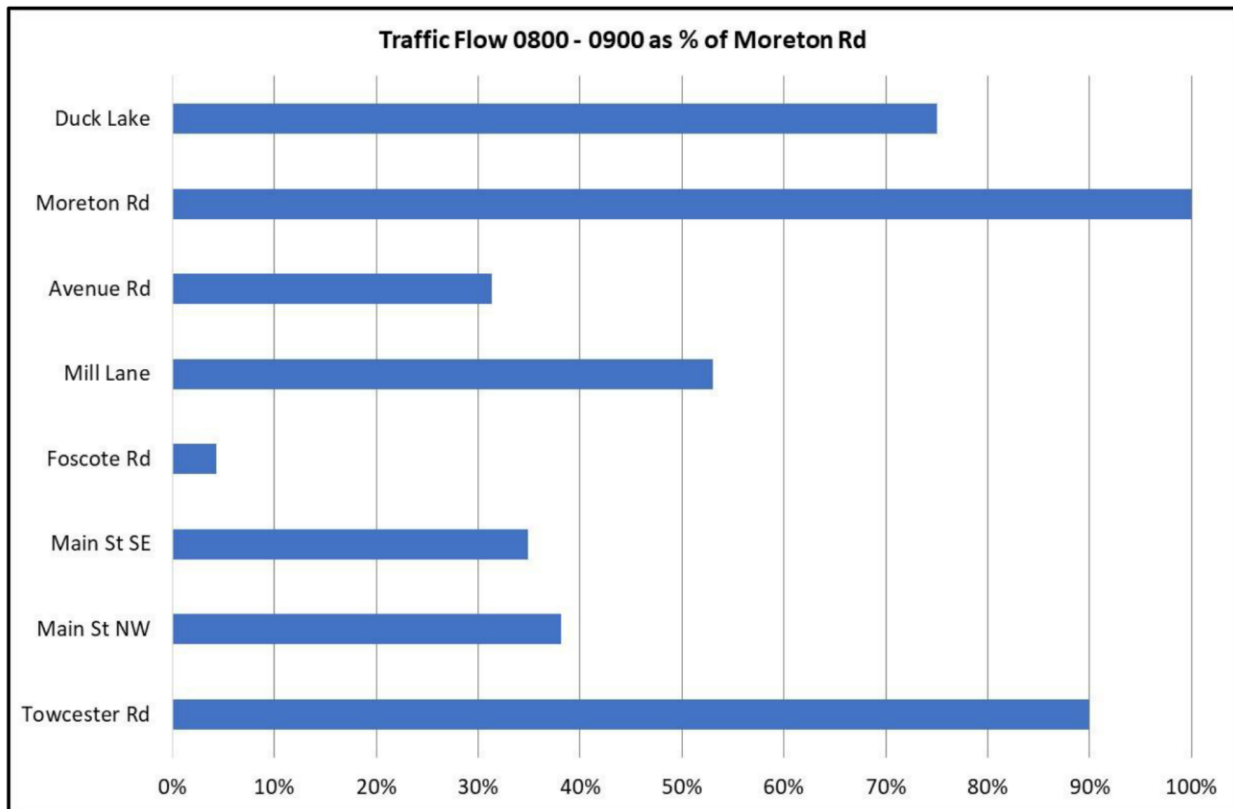
There has been no detailed assessment of the impact this substantial development would have on the village's Conservation Area, the Grade 1 St Edmund's church and the 12 Grade 2 listed buildings on Main St itself. The increase in traffic on the village roads alone is likely to have a damaging effect on these assets from vibrations, as well as pollution. In particular, Main Street, which would serve the development, is highly unsuitable for construction traffic and the likely constant use of LGVs. It should be observed that Main Street has either a very narrow carriageway and pavement with parked cars, or, where buildings abut the carriageway, no pavement at all. The Grade 1 15th century church of

St Edmund's does not have deep foundations and is particularly vulnerable, overlooking as it does the confluence of two very busy roads.

NPPF states: (Paragraph 93) ". When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Traffic and Transport Issues

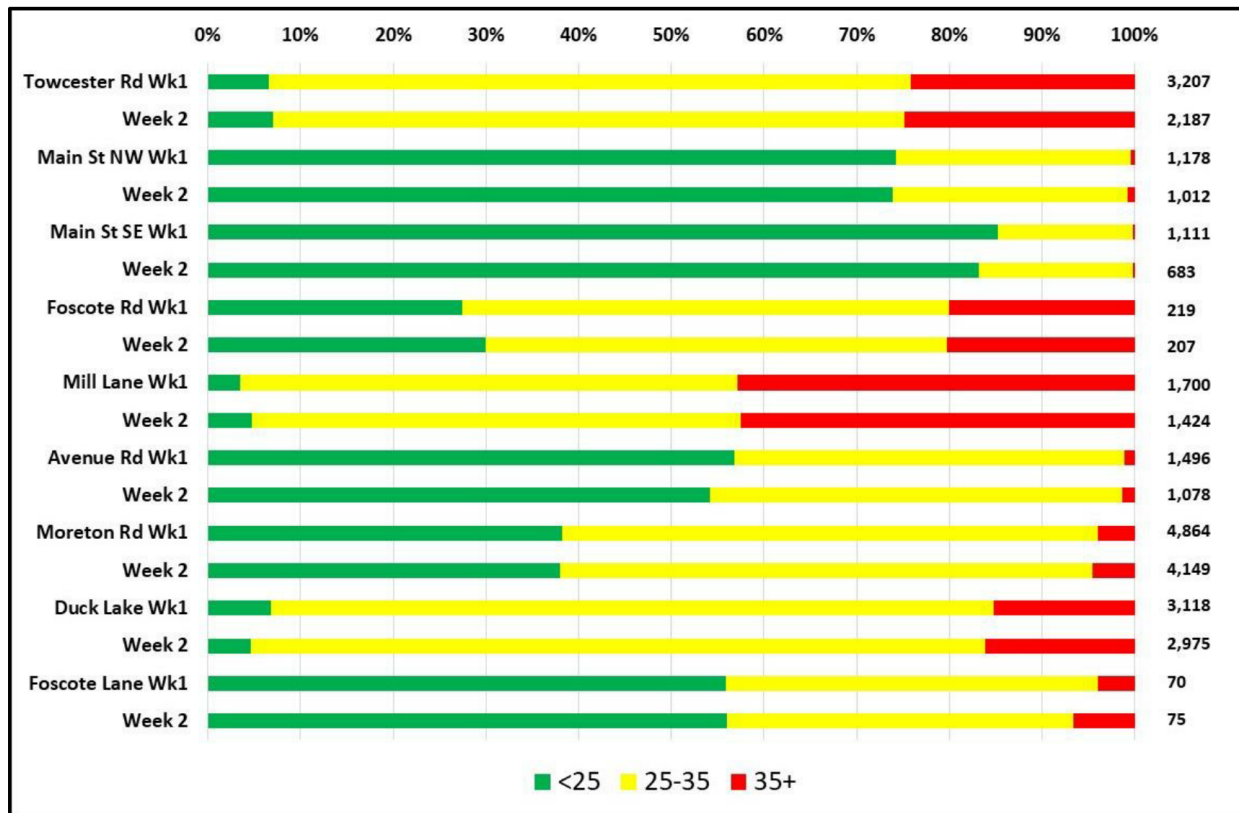
The current bus timetable is appended at the end of this document. During the week there are three services into Buckingham and two returning to Maids Moreton. On Saturdays there are four journeys in each direction. The timings mean there is no public transport to support commuting to and from work, even in Buckingham. Furthermore, while the timings might allow shopping trips around midday, there are of no help for travel needs such as medical appointments. Given that there is no public transport provision adequate for commuting nor for most other purposes, it is clear that were the site to be developed with 170 houses most residents would rely on private vehicles and there may be 2 or even more vehicles per dwelling. We are already concerned at the high levels of traffic through the village, especially at critical times, and also at the speeds at which vehicles travel. The figure below shows the comparative volume of traffic at 8 points around the village obtained with Automatic Traffic Counters. In the figure, Moreton Rd at the boundary with Buckingham is given the value of 100%.



Moreton Road is part of the A413 from Buckingham to Towcester. From there it heads north on Duck Lake and then northwest on Towcester Road to the village boundary. The traffic levels are similar noting that traffic may divert or join at Avenue Road and Main St, which is why Duck Lake has the lowest value of the three ATC points. Mill Lane, which connects the village with the A422 Buckingham to Milton Keynes has a width limit of 2.3m and the junction with the A422 is extremely busy at rush hours. There have been regular accidents around this junction and a number also on Mill Lane, which is proposed as a major access route for traffic from the development. It already has a flow rate of 53% of that recorded on Moreton Road and is quite unsuitable from the point of view of road safety as well as in respect of the potential damage to St Edmund's church noted above.

Traffic levels along Main St are 35% (SE) and 38% (NW) of that recorded on Moreton Rd. Main St is narrow, has no or only one pavement along much of its length and as many of the houses have no off-road vehicle parking spaces, there are many cars parked on the street, making it effectively a single carriageway road for a significant proportion of its length. On Avenue Rd, past the Maids Moreton CE [Infant] School the traffic flow is 31% of that on Moreton Road. Again, there are often parked cars although walking to school is strongly encouraged and many children do so. As well as traffic volume, speed is also a consideration. The figure below summarises the recorded speeds in bands of up to 25mph, 25 to 35mph and over 35mph. The first category should encompass the bulk of traffic were a 20mph limit in place, the second would do so with a 30mph speed limit in place while the third category indicates where speeding is already occurring. Mill Lane, Foscoote Road and Foscoote Lane are subjected to the national limit, although the latter are both effectively single carriageway and Foscoote Lane has severe dips and blind corners.

Total Traffic Flow recorded in speed bands 10 to 22 October 2020



The footpath from Hall Close reaches Main St by The Old School towards the southeast end, emerging directly onto the carriageway with very poor visibility for both pedestrians and drivers, many of the latter being unaware that this footpath is there. A little further northwest, the footpath from Scott's Lane, heavily used for foot access to both Maids Moreton CE [Infant] School and Buckingham Primary School, joins Main St. It is a little more obvious than the one from Hall Close, there being textured dropped kerbs on both sides, but it is also hard for drivers unfamiliar with the layout to see. Drivers can also be surprised by vehicles or pedestrians emerging suddenly from driveways, or from between parked vehicles, directly onto the carriageway. For both these areas of Main St, the proportion of traffic exceeding 25mph is relevant. At Main St NW, 75% of the traffic exceeded 25mph but at Main St SE it was 85% in Week 1 and 82% in Week 2, after Akeley Wood School had closed for its Autumn break. This is particularly worrying as it is on Main St SE that there are more parked cars, alongside the one pavement, and neither a pavement nor a grass verge on the opposite side. At Main St NW, there is a pavement on one side and a wide grass verge on the other with parked cars mostly but not always in laybys. Maids Moreton CE [Infant] School is on Avenue Rd and Buckingham Primary School in Page Hill, south of Avenue Rd. Pupils from Maids Moreton accessing both schools on foot have to cross Main St and those heading to Buckingham Primary then also have to cross Avenue Rd. Children from the proposed development walking to the local schools would use this route. Their safety is of course of paramount importance. In Avenue Rd, around 45% of the traffic was travelling at more than 25mph. Given the Maids

Moreton school is there and children attending Buckingham Primary school have to cross Avenue Rd to access this, there is very urgent need for effective calming. Given the already heavy traffic flows within the village and limitations of Mill Lane and Foscoote Road, it is evident that the effect of additional traffic generated by a development of 170 houses on the Walnut Drive site would be excessive.

Saved policy RA.36 states:

In considering proposals for development in rural areas the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routing to unsuitable rural roads. Furthermore, VALP policy T5 states:

New development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development" and, in particular, "ensuring that the scale of traffic generated by the proposal is appropriate for the function and standard of the roads serving the area.

Given the current traffic levels and the unsuitability of the roads that new residents would use, it is evident that allowing the development to proceed would clearly breach both saved policy RA36 and VALP policy T5.

Finally, we note that despite the 20 months that have elapsed since the application was considered by the AVDC SDMC, the applicant has failed to negotiate the S106 Agreement, which should include specific details of traffic mitigation measures. The S106 Agreement was a major requirement in that committee's decision.

Maids Moreton Bus Times – as at 22 March 2020

Monday to Friday					Saturday only			
<u>Maids Moreton to Buckingham</u>	<u>No 151</u>	<u>No 18</u>	<u>No 151</u>	<u>No 18</u>	<u>No 132</u>	<u>No 132</u>	<u>No 132</u>	<u>No 132</u>
Adjacent Scott's Farm Close	08:58		12:13					
Opposite old Buckingham Arms			12:14					
Main St (by Manor Park)	08:59	12:02		14:12	08:26	10:01	12:39	16:19
Church St (by Church Close)	08:59	12:02		14:12	08:27	10:01	12:39	16:19
Avenue Rd (by Scott's Lane)	09:00	12:03		14:13	08:29	10:02	12:40	16:20
Moreton Rd adjacent Avenue Rd	09:00		12:14		08:29	10:03	12:40	16:20
Buckingham (Market Hill S bound)	09:08	12:06	12:17	14:16	08:37	10:09	12:43	16:23
Buckingham (High St)		12:07	12:18	14:17		10:10		
Buckingham Tesco (Stop A)		12:19		14:29				
Buckingham Tesco (Stop B)	09:13					10:19	12:56	16:37
<u>Buckingham to Maids Moreton</u>		<u>No 18</u>	<u>No 151</u>	<u>No 18</u>	<u>No 132</u>	<u>No 132</u>	<u>No 132</u>	<u>No 132</u>
Buckingham Tesco (Stop B)		11:48	11:57	14:03	08:18	09:40	12:24	15:58
Buckingham Tesco (Stop A)								
Buckingham (High St)			12:01			09:56	12:30	16:10
Buckingham (Market Hill N bound)		11:57	12:02	14:07	08:22	09:57	12:31	16:11
Moreton Rd opposite Avenue Rd		12:00	12:05	14:10	08:25	10:00	12:38	16:18
Outside old Buckingham Arms		12:01	12:06	14:11	08:25	10:00	12:38	16:18
Main St (by Manor Park)		12:02		14:12	08:26	10:01	12:39	16:19

A1.2 Buckingham Town Council – Members of the Town Council Planning Committee only considered aspects of this proposal that affected Buckingham, and opposed the application on the grounds of the effect on traffic, leisure facilities, schools, health facilities and town centre parking. It was noted that BCC opposed Moreton Road II (14/02601) on traffic grounds and advocated a town-wide traffic strategy; traffic from this estate would use either Mill Lane/Stratford Road or the Moreton Road, neither of which were safe cycle routes and the distances (and gradients) involved to access the town centre, secondary schools and employment areas would encourage car use; 400/day were estimated. AVDLP policies RA2 and RA14 apply to Maids Moreton as an Appendix 4 settlement. The Town Council also questioned the validity of the Transport Assessment and the accuracy of the details contained within it.

Further comments: Little has changed:

- traffic calming measures on Mill Lane ("College Road"), if effective, will cause more traffic to come through Buckingham via the already over- capacity junction of Moreton Road and High Street by the Old Gaol. If ineffective, the junction of Mill Lane with the A422 will see long queues at peak times, especially of traffic wishing to turn right, leading to much air pollution - and bad temper, which leads to risk-taking. Fosote Road should not even be considered a feasible traffic route.

- Maids Moreton is a settlement without sustainable infrastructure - no PO, no shop, no medical facilities, a once-a day bus service (which is what resulted after the last s106-sponsored extra services expired) - and for shopping, library, banks, PO, doctors and dentists, leisure centres, senior schooling and all employment the new residents would have to drive through Buckingham (the senior schools and employment areas are all south of the town centre) or out of town via the bypass (easiest access via Mill Lane, see above; the Town Hall junction is also over capacity and a bottleneck). The schools are a 2-mile/40-minute walk from the site, and in bad weather parents might be tempted to give their child a lift - and neither the London Road or Chandos Road have the capacity to accommodate any extra cars. There is no bus service whatever (even from the town centre) to the employment areas south of the bypass.

- If 170 more houses is a lot of residents for Buckingham's facilities to cope with without mitigation, it is far more for a village the size of Maids Moreton, and the Town Council wholly supports Maids Moreton and Foscote in their opposition to the swamping of their settlements with a dormitory suburb.

- While noting that the s106 agreement remains a draft, the proposal for a 'crossing' on the A422 Stratford Road at Lower Wharf is mystifying, and Members would appreciate more details of this 'benefit'.

- Confirmation of the meeting at which this application will be reviewed would also be welcome, as the application seems to fall well below the 400 houses minimum for the Strategic Sites Committee.

A1.3 Foscote Parish Meeting – Strongly object on transport safety and unacceptable traffic generation grounds, on the proposed footway on Foscote Road, high density, being outside of the village envelope and intruding into open countryside and reliance to key facilities being by vehicular means. Further comments received question the accuracy of the Traffic Survey and the impact of existing on street parking on traffic. Failure to address the problems of traffic flows from the development onto Foscote Road and Foscote Lane which is a single-track road with a dangerous blind bend. Its surface is in very poor condition and the visibility splays at the junction with the A422 are restricted. It is inevitable that traffic would significantly increase along Foscote Lane leading to many traffic accidents. Unsuitability of the proposed roundabout at the junction of Walnut Drive and Main Street, Maids Moreton, which will cause traffic congestion on Main Street as well as tail backs on the A413 junction with Main Street. The absence of parking for the properties near the proposed roundabout. The narrowing of Main Street and on-street parking by owners who have nowhere else to park, at the Main Street junction with Foscote Road. The width restriction on Mill Lane/College Road with high hedges, making it impossible for the road to be widened, leading to potential accidents as the road has impaired visibility at various points. The impracticality of the proposed solution for the junction of Mill Lane/College Road and the A422, as well as the suspect data submitted re traffic flows.

Foscote Parish Meeting comments on draft S106:

- Terminology should refer to 'monitor and manage not 'monitor and review'

- Foscote Road and Foscote Lane should be included
- Monitor and review strategy includes automatic number plate recognition, would be an invasion of privacy when simple counters across the carriageway could be used
- Counter either end of Foscote Lane should be used prior to commencements and also at 50% occupation and included in agreement
- Should include management measures to prevent vehicles from turning left onto Foscote Road and then right onto Foscote Lane, rat running is the problem that needs to be addressed. Also to address the rat run on the return journey.
- Monitor strategy will not be triggered until after final occupation with a duration of 1 year, inadequate as will not give any baseline pre-development data against which to measure increased traffic. Should be in place prior to occupation and ideally by commencement of building works
- A threshold of traffic above which the manage strategy would be triggered but below which Bucks Council reserves the right to trigger the manage strategy should be included

Further comments:

1. Foscote Parish Meeting ('FPM') considers that the previous determination of this application did not adequately consider key issues that breach saved policies in the Aylesbury Vale District Local Plan ('AVDLP'), policies in the emerging Vale of Aylesbury Local Plan ('VALP', insofar as they can be given consideration in accordance with NPPF 48), and also relevant policies in the NPPF.
2. Furthermore, since the previous determination the 'soundness' of policy D-MMO006 in VALP which allocates the application site for development, together with associated supporting evidence (in particular HELAA v4, and the Settlement Hierarchy) has been severely undermined by a series of Examination Documents now accepted by the Inspector as part of the examination process. The quantity and depth of 'unresolved issues' raised in these Examination Documents means that, in accordance with NPPF para 48, policy D-MMO006, HELAA v4 and the Settlement Hierarchy cannot be given weight in this deliberation.
3. Finally, the Resolution of the SDMC of 20th February 2019 determined that planning application 16/00151/AOP should be approved "*with the additional requirement for a 'monitor and manage strategy' of the impact of traffic using Foscote Road and Foscote Lane to be secured in the s106 Agreement*" ('the SDMC Resolution'). The draft s106 Agreement published on the planning portal fails to do what the SDMC Resolution requires, so granting planning permission at this stage would be UNLAWFUL.

Foscote Parish Meeting OBJECTS on the grounds that the proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP

4. Buckinghamshire County Council ('BCC') have approved mitigation measures to deter 1 development traffic from using College Farm Road to access the A422. These measures effectively push traffic from the development via the alternative routes of Buckingham Town Centre or along Foscote Road/Foscote Lane. Foscote Road and Foscote Lane, which present the most direct and quickest route to the A422, are narrow rural roads unsuitable for HGVs or any increased traffic. Moreover, they have not been assessed for this inevitable traffic impact.

5. Policy RA.36 AVDLP states *"In considering proposals for development in rural areas the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routing to Buckinghamshire County Council has since become the unitary authority 'Buckinghamshire Council') 1 1 unsuitable rural roads."* This policy was not considered at all in the first determination, and yet the proposed mitigation measures encourage traffic generated by the development to use Foscote Road/Foscote Lane which are "unsuitable minor roads" together with the wider network of unsuitable rural lanes, to reach the A422 and beyond in direct contravention to saved policy RA.36.

6. Policy T5 VALP states *"new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development"* and, in particular, *"ensuring that the scale of traffic generated by the proposal is appropriate for the function and standard of the roads serving the area"*. There is clear evidence that the size and location of this development will generate unacceptable traffic along unsuitable minor rural roads, in particular Foscote Road and Foscote Lane, and there is not sufficient capacity in the adjoining rural network serving the area to accommodate the anticipated increase in vehicular travel.

Foscote Parish Meeting OBJECTS on the grounds that the application site is comprised of the best and most versatile agricultural land - together with some woodland - so planning permission, if granted, breaches NPPF para 170 and policy NE7 VALP.

7. NPPF para 170 requires planning decisions to contribute to and enhance the natural environment, which includes recognising the intrinsic character and beauty of the countryside and, in particular, *"the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."* The best and most versatile agricultural land ('BMV Agricultural Land') is defined as land in Grades 1, 2 and 3a of the Agricultural Land Classification.

8. The Agricultural Land Classification Report prepared by the Applicant confirms *"a detailed assessment of this area has found that the site mostly contains land of Grade 3a quality with small areas of woodland and some non-agricultural land."* All of this – BMV Agricultural Land and the woodland - should be contributed to and enhanced in accordance with NPPF para 170, and not developed for housing.

9. Policy NE7 VALP says *"where significant development would result in the loss of best and most versatile agricultural land, planning consent will not be granted unless: a. There*

are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and b. The benefits of the proposed development outweighs the harm resulting from the significant loss of agricultural land". FPM have noted that the Technical Annex to the Council's Sustainability Appraisal, submitted as supporting evidence for the VALP, concluded there is a more suitable site of poorer agricultural quality within Maids Moreton which can accommodate development. Therefore, granting planning permission breaches Policy NE7 VALP.

Foscote Parish Meeting OBJECTS on the grounds that the proposed development does not preserve, protect or enhance the intrinsic character of the rural landscape so planning permission, if granted, breaches NPPF para 170, policy NE4 VALP and RA.2 AVDLP. 2

10. NPPF para 170 requires planning decisions to take into consideration *"the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services"*. The footpath crossing the application site is the only section of the Maids Moreton Circular Walk that gives users a good view of the Foxcote Reservoir and the Foscote Valley. This walk is heavily used by people from Maids Moreton, Buckingham and further afield, as well as from the community of Foscote. The loss of these views would have a major negative impact on users from a much wider population than simply the local population in the immediate vicinity of the proposed development, and must be considered as a wider benefit from the natural capital of the countryside which NPPF para 170 seeks to protect.

11. Policy NE4 VALP says *"Development should consider the characteristics of the landscape character area by meeting all of the following criteria: a. minimise impact on visual amenity b. be located to avoid the loss of important on-site views and off-site views towards important landscape features c. respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value d. Carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates) e. minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, and in areas which are intrinsically dark and to avoid light pollution to the night sky f. ensure that the development is not visually prominent in the landscape, and g. not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value."*

12. Criteria (a), (b), (c), (f) and (g) of policy NE4 VALP clearly cannot be met when locating a 170 house development on the edge of a rural village in the open countryside on BMV Agricultural Land with wide ranging views to the Foxcote Reservoir (a designated SSSI) and the Foxcote Valley. In fact, the Applicant's Landscape and Visual Impact Assessment summary says *"The proposed development would result in significant negative effects for two viewpoints on the southern boundary of the proposed development: viewpoint 6, which represents the views from homes on Manor Park; and viewpoint 7, which represents views from the footpath which crosses the application site"*. This alone contravenes criteria (a), but policy NE4 VALP was not considered at all in the first determination.

13. Policy RA.2 AVDLP says *“new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements”* in order to protect rural locations that are experiencing the strongest pressures for development. Large scale development in open countryside on the edge of a rural village clearly contravenes policy RA.2 AVDLP.

Foscote Parish Meeting OBJECTS on the grounds that the draft s106 Agreement does not deliver a ‘monitor and manage strategy’ of the impact of traffic using Foscote Road and Foscote Lane, in accordance with the SDMC Resolution.

14. The terminology in the draft s106 Agreement must revert from ‘Monitor and Review Strategy’ to ‘Monitor and Manage Strategy’ throughout the Agreement in order to bring it in line with the requirements of the SDMC Resolution.

15. The s106 Agreement must include reference to specific roads within the Monitor and Manage Strategy, with particular reference to Foscote Road and Foscote Lane. The draft s106 Agreement fails to implement this requirement at all, either in the definition of the ‘Monitor and Review Strategy’ on pages 15-16 of the s106 Agreement, or in Clause 1.1, Part IV of the 7th Schedule. The definition of ‘Monitor and Review Strategy’ on pages 15-16 refers only to monitoring the impact of the development traffic on the junction of College Farm Road and the A422 Stratford Road – it does not refer to Foscote Road or Foscote Lane at all. Equally, there is no obligation to monitor Foscote Road and Foscote Lane specifically in Clause 1.1, Part IV of the 7th Schedule. This falls foul of the SMDC Resolution which specifically requests *“a Monitor and Manage Strategy of the impact of traffic using Foscote Road and Foscote Lane”*.

16. There is no Monitor Strategy outlined in the s106 Agreement for Foscote Road and Foscote Lane. FPM requested that the Council/Applicant install traffic counters either end of Foscote Lane to give baseline figures of traffic movements along the lane prior to the development commencing. Thereafter, the traffic counters be replaced at 50% occupation of the development, with the Applicant being obliged to produce a monitoring report within a specified timeframe, and for this report to be sent to the Council and copied to FPM accordingly. This Monitor Strategy must be included as a specific term of the s106 Agreement, in both the definition on page 15-16, and also in Clause 1.1, Part IV of the 7th Schedule. Without such a strategy, the provisions for a ‘Monitor and Manage Strategy’ of traffic using Foscote Road and Foscote Lane required by the SMDC Resolution are not met.

17. In order to be a ‘Monitor and Manage Strategy’, the s106 Agreement must include appropriate management measures to prevent traffic turning left out of the development onto Foscote Road and then right onto Foscote Lane, together with management measures to prevent the return journey. It is exactly this problem - Foscote Lane being used as a ‘rat run’ - that underpins the Monitor & Manage Strategy required by the SDMC Resolution. In view of this, BCC agreed to list appropriate management measures in the s106 Agreement. Without such measures being listed in the s106 Agreement, the

provisions for a 'Monitor and Manage Strategy' of traffic using Foscote Road and Foscote Lane required by the SMDC Resolution are not met.

18. Clause 4, Part IV of the 7th Schedule, attempts to deliver on the requirement to include a 'management strategy'. However, the text contains an error in that there is no left turn onto Foscote Lane. The left turn is onto Foscote Road, with a right turn following thereafter on to Foscote Lane. Clause 4, Part IV of the 7th Schedule, should read "*...turning left onto Foscote Road, and then right onto Foscote Lane...*", in place of the words "*...turning left onto Foscote Lane...*". It therefore does not accurately fulfil the obligations of the SDMC Resolution. 4

19. The s106 Agreement does not secure an effective management strategy to prevent traffic using Foscote as a rat run on the return journey. Without such management measures preventing traffic returning to the site via Foscote Lane and Foscote Road, the resolution that a 'Monitor and Manage Strategy' for Foscote Road and Foscote Lane be secured in the s106 Agreement has not been met.

20. As drafted, the s106 Agreement does not secure an effective 'Monitor and Manage Strategy' for traffic using Foscote Road and Foscote Lane to shortcut to and from the A422. It therefore fails to deliver on the SDMC Resolution so granting planning permission at this stage would be UNLAWFUL.

Summary of Objections and reason for REFUSAL

Table 9 VALP (following para 3.89 VALP) confirms there is a housing land supply of 5.47 years, which equates to an over-supply of 740 units. Therefore, the proposed development is not required to meet the five-year housing requirement. The positive weight which would ordinarily be given to housing supply in the determination of this application must therefore be considered against the following significant negative impacts of the proposed development: -

1. The proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP;
2. The application site is comprised of the best and most versatile agricultural land, together with some woodland, so planning permission, if granted, breaches NPPF para 170 and policy NE7 VALP;
3. The proposed development does not preserve, protect or enhance the intrinsic character of the rural landscape so planning permission, if granted, breaches NPPF para 170, policy NE4 VALP and RA.2 AVDLP; and
4. The draft s106 Agreement does not deliver a 'monitor and manage strategy' of the impact of traffic using Foscote Road and Foscote Lane in accordance with the SDMC Resolution so planning permission, if granted, would be breached. In weighing up the positive impact of the proposed development against the significant negative impacts of the proposed development, FPM believe this application must be REFUSED.

Further comments – Reasons for REFUSING this application: We note Highways Comments dated 28th October 2020 responding to the objections made by Foscoote Parish Meeting ('FMP'), and comment as follows: - Foscoote Parish Meeting still OBJECTS on the grounds that the proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP

1. In the Highways Comments, Mr Thurley states "*I can confirm that all routes to and from the site have been considered in terms of the likely impact resulting from the development traffic*". Foscoote Parish Meeting reiterate that there is no evidence anywhere that the route between the development and the A422 via Foscoote Road and Foscoote Lane has been considered. In fact, it was exactly this lack of consideration that led to the SMDC Resolution in 2019 requiring Foscoote Road and Foscoote Lane be subject to a 'Monitor & Manage Strategy' in the s106 Agreement. It is simply incorrect to say that all routes to and from the site have been considered.

2. Mr Thurley also states "*the impact on the more rural routes to the north of the site will be monitored as part of the Monitor & Manage Strategy*". Again, this is not the case. The SMDC Resolution required a 'Monitor & Manage Strategy' for Foscoote Road and Foscoote Lane, and also Mill Lane in Maids Moreton but nothing more. The impact on the rural routes to the north of the site such as Foscoote Road to Leckhampstead and beyond are not subject to any Monitor & Manage Strategy. In addition we understand that it is proposed that the construction traffic will be routed along the A413, a route which will take the heavy traffic through the village of Akeley where the road narrows at a dangerous blind bend. The rural road network to the north of the site will take excessive traffic from the proposed development, in breach of Policy RA.36 AVDLP and Policy T5 VALP.

As before, Foscoote Parish Meeting still OBJECTS on the grounds that the application site is comprised of the best and most versatile agricultural land - together with some woodland - so planning permission, if granted, breaches NPPF para 170 and policy NE7 VALP as set out in our first objection.

As before, Foscoote Parish Meeting still OBJECTS on the grounds that the proposed development does not preserve, protect or enhance the intrinsic character of the rural landscape so planning permission, if granted, breaches NPPF para 170, policy NE4 VALP and RA.2 AVDLP as set out in our first objection.

Foscoote Parish Meeting still OBJECTS on the grounds that the draft s106 Agreement does not deliver a 'monitor and manage strategy' of the impact of traffic using Foscoote Road and Foscoote Lane, in accordance with the SDMC Resolution.

3. In the Highways Comments, Mr Thurley acknowledges that the draft s106 Agreement fails to implement a 'Monitor & Manage Strategy' for Foscoote Road and Foscoote Lane. Despite FPM meeting with the Applicant and the Council to agree the terms of this 'Monitor & Manage Strategy' before the draft s106 Agreement was published, and then confirming this in writing by a series of emails, it was still omitted from the draft

Agreement. Almost two years on, it is inadequate at this stage to be told that the final s106 Agreement will have a suitable Monitor & Manage Strategy.

Summary of Objections and reason for REFUSAL As stated previously, Table 9 VALP (following para 3.89 VALP) confirms there is a housing land supply of 5.47 years, which equates to an over-supply of 740 units. Therefore, the proposed development is not required to meet the five-year housing requirement. The positive weight which would ordinarily be given to housing supply in the determination of this application must therefore be considered against the following significant negative impacts of the proposed development: -

1. The proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP;
2. The application site is comprised of the best and most versatile agricultural land, together with some woodland, so planning permission, if granted, breaches NPPF para 170 and policy NE7 VALP;
3. The proposed development does not preserve, protect or enhance the intrinsic character of the rural landscape so planning permission, if granted, breaches NPPF para 170, policy NE4 VALP and RA.2 AVDLP; and
4. The draft s106 Agreement does not deliver a 'monitor and manage strategy' of the impact of traffic using Foscoote Road and Foscoote Lane in accordance with the SDMC Resolution so planning permission, if granted, would be unlawful. The Highways Comments submitted by Mr Thurley do not adequately address any of these issues.

In weighing up the positive impact of the proposed development against the significant negative impacts of the proposed development, FPM still believe this application must be REFUSED.

- A1.4 **Whittlebury Parish Council** - The village of Whittlebury already has a growing problem with increasing traffic flows as a consequence of new developments in Silverstone, two miles away, and in the south of Towcester. Extra traffic volumes generated by this development in Maids Moreton, only six miles away, would impact directly on the amenity of villagers especially those living on the Towcester Road and the High Street which form the A413 through the village. Between 0800 and 0930 and 1530 and 1730 in particular, traffic in the village is even heavier with children being taken to and from the local primary school and commuters journeying to and from their places of work. Traffic jams with the traffic coming to a complete halt are frequent at those times. Despite speed warning signs and the occasional presence of a police speed camera van, speeding is an additional hazard, and this too has an impact on the village and its residents. Fortunately, there has not been a serious accident in recent years but, clearly, the potential for one would be heightened by the presence of an increased number of lorries. Should the local planning authority be minded to grant permission for this application, Whittlebury Parish

Council would wish to see a condition that no construction traffic is permitted on the A413 through Whittlebury.

- A1.5 **Akeley Parish Council** - Members of Akeley Parish Council have noted that the developers are proposing to use the A413 as the main route to carry the development's heavy plant and materials. Akeley Parish Council object to 16/00151/AOP because of the perceived material damage that the extra heavy traffic using the A413 will cause traveling to and from the development in Maids Moreton. The increased traffic and speeding over recent years have impacted the amenity of villagers living on and using the affected road. The A413 runs through Akeley it has a pinch point which is just beyond the Leckhampstead Road junction, between The Cottage and Old century Cottage running down the hill to the side of the Bull & Butcher public house where there is the junction with Church Street and on towards a sharp left-hand bend opposite a T junction with Chapel Lane. This road was never designed for HGVs and is frequently the cause of traffic jams and collisions, especially at peak periods. HGVs travelling through the pinch point causes damage to the existing village infrastructure. There is evidenced damage to adjacent buildings and sewers due to the vibration from Heavy Goods Vehicles which will increase if this development goes ahead. With the current traffic on the A413 vehicles at times have to reverse up to 50 yards or so and mount the pavement to enable passage. There is documented evidence of collisions occurring along and adjacent to the pinch point with traffic jams being a daily feature. With the expected rise in HGV traffic the instances of collisions and possible harm to the buildings will increase and so will result in the greater chance of harm to children (school route) and residents alike. The general area is residential with a footpath running alongside the road on one side in the main and with increased incursions onto the footpath the risk of harm to pedestrians, and not just damage only, road traffic collisions will increase.

A2.0 Representations

- A2.1 366 representations objecting to the development have been received raising the following concerns:

Transport and traffic related impact:

- Unacceptable further increase in traffic generation in local area, including Buckingham will add to congestion
- As part of the Local Plan review the site had been found unacceptable given highway impacts
- Increased traffic would harm foundations of listed buildings and moving road closer to properties may harm thatch
- Unsuitable use of narrow roads for future occupiers and construction traffic, will become rat-runs
- Insufficient footpath provision

- Poor condition of existing roads will be exacerbated
- Poor visibility at junctions especially Walnut Drive and A422
- Unacceptable queuing at junctions
- Conflict between walkers, cyclists with vehicular traffic, including agricultural vehicles
- Unsustainable site, poor public transport, errors in bus timetable, no train station in Buckingham
- Limit local facilities and amenities and increase pressure on the existing
- Widening of roads would destroy ancient hedges and wildlife
- Reduction of road to 3.5m entering the village would hamper agricultural vehicles
- Loss of on street parking along Main Street
- Conflict with use of mini roundabout and people accessing their property by car
- Highway signage would detract from the character of the conservation area
- Impact on deliveries to existing businesses
- Mill Lane regularly floods so would be unsuitable for additional traffic
- Proposed mini roundabout would be disregarded by agricultural and other large vehicles
- Development does not take account of the Oxford to Cambridge road link which will account for more southerly transport
- Incorrect data and traffic modelling used in traffic study
- Traffic study does not make reference to changes in shopping habits with more deliveries
- Traffic survey does not take account of summer growth of trees and hedgerow
- June 2017 parking survey was not made public until September 2019. Not available for MMPC or residents to scrutinise the data and bring issues to the attention of the committee.
- The survey was only carried out over two days, additional surveys should be undertaken where there are regular evening uses close to the site.
- Loss of on street parking where yellow lines would be placed would harm two adjacent businesses
- Displaced cars between Old Walls and The Leys would cause a problem for pedestrians and route of the bus service
- Parking is more extensive than the survey suggests, calls into question the applicant's claim that there is plenty of space for displaced cars. The Council have not explained the discrepancy in the results.
- The parking restrictions will have to be enacted via a Traffic Regulation Order (TRO) which requires a 21 day public consultation. If there are valid objections the TRO can take two years to process and may be refused. The council should have a strategy in place should this happen as the viability of 16/00151/AOP is dependent on the mini roundabout scheme being completed.
- 2CBX cabinets affect visibility from Walnut Drive
- Traffic generation through Foscoote not fully assessed

Natural environment and design matters:

- Unacceptable development of greenfield site in open countryside
- This number of houses is not needed
- Type of housing does not reflect existing in village and would be out of keeping
- Loss of village identity
- No provision for allotments
- Insufficient drainage
- Proposed drainage would undermine nearby retaining wall and dwelling
- Does not address needs of retired and first time buyers
- Would be an eyesore
- Adverse impact on archaeology and heritage significance
- Adverse impact on conservation area
- Harm to setting of listed buildings and their foundations
- Loss of agricultural land
- Site is frequently water logged and would be a flood risk
- Development would be close to SSSI at Foscoote reservoir, impact on bird sanctuary
- Adverse impact on biodiversity
- Uncertainty about who would manage the new developments landscape
- Increased light pollution
- Impact on protected trees

Other matters:

- Noise and air pollution through construction
- Development refused adjacent to Moreton House as intrusion into the countryside
- Smaller development which would fit into the village would be more appropriate
- Development will not increase employment, will become a commuter village
- Nearly 50% increase in population
- Loss of privacy for nearby residents
- No benefits to the existing village/community
- HELAA suggests that the site is not suitable and this number of houses not required
- Conflict with AVDLP policies
- Against the Vision of Buckingham
- Affect Human Rights
- Application not properly assessed by committee and should be reconsidered

A2.2 The Buckingham Society have also made representations strongly objecting to the scheme on the following grounds:

- Proposal for 170 dwellings is out of scale with the current size of the village and will severely add pressure to the town's (Buckingham) environment and facilities
- The information relating to sustainability is totally reliant on the proximity of Buckingham and its facilities, failing to take account of any of the information supplied in the Buckingham Neighbourhood Development Plan
- VALP evidence has found that with the exception of one site to the north of the village for 21 dwellings there were no sites in Maids Moreton that had the capacity to accept new development.
- Access to facilities in Buckingham only feasible on a regular basis by vehicular means.
- Traffic generation would add to the severe and harmful cumulative impact on Buckingham that both recent and planned for developments are causing
- No cycle routes and access to National Cycle Route 50 would be via busy A roads
- Alternative, less suitable routes within Maids Moreton are being utilised for access which are narrow and not easy to negotiate. Widening these routes will encourage more cars causing further congestion at junctions as well as destroying historic hedges and verges which are an integral part of the character.

A.2.3 Representations have been received from Maids Moreton and Foscote Action Group making the following comments:

- Limited public consultation with the Maids Moreton and Foscote communities
- Minimal scrutiny from Officers into the proposal
- Objections at committee were given scant attention with the overwhelming consideration to be a fear of losing an appeal
- Chairman appeared to have pre-determined the decision
- Site not suitable for a development of this size which will increase the village by 50%
- Unacceptable assessment of impact of traffic on area, including on Foscote Lane and Foscote Road
- Application should be taken back to committee for re-assessment

Maids Moreton and Foscote Action Group comments on draft S106:

- S106 does not cover SUDS
- Officer's report sets out that the affordable housing should be evenly dispersed across the site and tenure blind and the clustering referred to does not secure this.
- Agreement fails to secure a financial contribution towards junction improvements to the College Farm Road junction with the A422 which if not required following monitoring would be paid towards the Buckingham Transport Strategy.
- Monitor and review strategy secured, not monitor and manage and Foscote excluded
- Application should be re-considered by committee given the passage of time. Committee's decision misinterpreted and misapplied policy in the NPPF and VALP, including the HELAA and did not properly consider the traffic impacts of the development.

Two further recent objections have been received from the Maids Moreton and Foscoote Action Group and these letters and appendices are attached to this report.

A2.4 Greg Smith MP – Comments that his constituents have recently submitted a substantial objection to this application which considers the proposed development within the correct legal framework. He encourages Councillors to read the objection prior to the redetermination, and give it due care and attention.

A2.5 The CPRE have also made recent representations and object given the lack of progression of an acceptable S106, suitability of the allocation of the site in VALP, it is the least sustainable site identified in VALP evidence, it would be contrary to saved policies in the AVDLP and possibly the NPPF.

A3.0 Consultation responses:

A3.1 **BCC Highways** – No objections subject to conditions and matters to be addressed in a legal agreement.

Mini roundabout with Walnut Drive: Revised details have been received indicating acceptable location of signage. It is acknowledged that the recommended visibility splays cannot be achieved within the adopted highway but given the low traffic flows from the minor arm (Walnut Drive) the distances can be relaxed and acceptable visibility splays can be achieved on land which forms part of the public highway or is under the control of the applicant. Larger vehicles will be able to carry out their manoeuvres with greater safety than they currently do due to increased geometry available and visibility. Previous concerns about the mini roundabout junction have been addressed and the design is acceptable for the purposes of the planning application with any further points of detail being dealt with through detailed design.

College Farm Road/Stratford Road junction: The applicant has re-surveyed the College Farm Road junction with the A422 Stratford Road in order to obtain up to date vehicle flows and has then used these flows to carry out further junction capacity assessments. BCC comment that the results suggest that even in the future year (2021) base line scenario, which does not contain any development traffic, the junction will suffer from operational issues. There are however some concern with regards to the accuracy of the results of the junction model and PICADY junction modelling software. The applicant has been looking at assessing two distribution scenarios to determine the level of development traffic using College Farm Road, 40% and 75%. The baseline flows on College Farm Road are relatively low and when the development flows are added the total flows on College Farm Road remain relatively low. It however remains evident that the impact of the development traffic on College Farm Road and its junction with the A422 Stratford Road needs to be mitigated.

Proposed Mitigation Package: - The applicant will carry out lining and signing works on the A422 Stratford Road, which will include the installation of advanced junction warning

signs and red carriageway surfacing for a length of 215m on each approach to the junction.

- The applicant will also carry out traffic calming works to the north western end of College Farm Road at its junction with Church Street. These works include narrowing College Farm Road at the junction, a localised narrowing adjacent to the junction with Church Close, along with a gateway feature with additional road markings where the 30mph speed limit begins.
- The applicant will also adopt a monitor and manage strategy for a one-year period after the full occupation of the development. This strategy will review conditions at the junction of College Farm Road with the A422 Stratford Road to determine whether conditions at the junction deteriorate significantly over that period. This strategy will involve the use of ANPR cameras which will be able to determine whether vehicles using College Farm Road are associated with the development or not. This information can then be used to determine whether the development traffic is having a severe impact on conditions at the junction and determine whether any further mitigation is needed as a result of the development.
- BCC have looked at ways of physically improving the junction and it has been determined that a second exit lane can be incorporated at the junction, which is achieved by carrying out widening works within existing highway limits. BCC have then used the improved junction layout to carry out a further capacity assessment at the junction. While BCC acknowledge the model limitations in this case, they do suggest that the improvement works to the junction will be adequate to further mitigate the impact of the development.
- The applicant will be required to cost up the further junction works to the College Farm Road junction with the A422 Stratford Road and the money for these works will then be within a S106 Agreement with the ability for the County Council to draw upon that money to carry out the junction improvements should they be deemed necessary. 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, which will also need to be mitigated. If this is the case, then the County Council will draw upon the secured funding and use it as an additional contribution towards the Buckingham Transport Strategy.

Moreton Road junction with the High Street (Old Gaol): It is noted that a contribution will be secured as part of any planning permission towards the adopted Buckingham Transport Strategy, which has an over-arching aim to reduce traffic as a means of improving town centre congestion. BCC agree that the development will increase traffic through this junction and as such a number of measures to directly mitigate the impact of the development traffic at this junction have been agreed. The applicant has confirmed that the delivery of these improvements as part of the proposed development is acceptable and will be provided in addition to the financial contribution towards the Buckingham Transport Strategy.

Speeds on Towcester Road: While it is recognised that vehicles speeding above the posted speed limit is an enforcement issue, this road will be used by occupiers of the proposed development and as such, it has been agreed with the applicant that a traffic calming

scheme in the form of improvements to the lining, additional signage and gateway features along with different surface treatment in order to change the environment when entering the village will be secured.

Crossing on the A422 Stratford Road: Cycleway improvements are currently underway that will link the Buckingham School to the A422 at the junction with Lower Wharf to the east of the football club. This is a school that children from the proposed development are likely to need to access. In order to provide an attractive and convenient link to the cycleway, to encourage cycling, consistent with the aims of the NPPF, it has been agreed with the applicant that a crossing point on the A422 is required as part of the off-site highway works associated with this development. This crossing point will help to meet the aims of the NPPF by improving safety and promoting sustainable forms of transport. The exact type of crossing will be agreed as part of the Highway Works Delivery Plan.

The Highway Authority provided further comments in response to the Parish Council traffic survey and the response to this of the applicants following the instigation of further assessments. The results of the revised assessments that take into account the revised traffic flow figures provided by the Parish Council show that the junctions within the village will continue to operate with significant spare capacity and that there is not a queueing issue. On this basis the Highway Authority are satisfied that the information contained within the report provided by the Parish Council does not alter their previous recommendations.

Having regard to the details of the application the Highway Authority is satisfied that the development would not have a severe impact on the safety and convenience of the highway network. The application is considered to be acceptable on highway grounds subject to matters to be secured as part of a S106 and subject to conditions.

Further comments:

Response to Maids Moreton and Foscoote Action Group

The Maids Moreton and Foscoote Action Group's appointed highway consultant, 'The Transportation Consultancy' (TTC), has submitted a 'Highways and Transportation Review' which considers the submissions made by the applicant's highway consultant and also correspondence between the applicant and the Highway Authority. The review below uses the same headings as those used in the TTC report for ease of reference.

Transport Assessment

The first document that TTC has considered is the revised Transport Assessment that was produced by Croft Transport Solutions (the applicant's highway consultant) in February 2017. TTC has used a RAG (Red, Amber, Green) assessment to determine matters that they consider have no issues and those that require attention (in their opinion).

Proposed Access – TTC has highlighted a number of issues in this section that are labelled as Amber, which they consider as potential issues. The issues mainly relate to the footway connections to the site, the improvements to the Main Street/Walnut Drive junction, the design of the Foscoote Road access and the upgrading of the PRow link running between

the site and Main Street.

The Highway Authority considers that all of these issues have been considered in detail in the consultation responses to this application and addressed to the satisfaction of the Highway Authority. As such no further action is considered necessary.

Accessibility by Non-Car Modes – TTC have referred to the accessibility of the site for walking, cycling and public transport and has labelled the points raised as Red, which they consider are significant issues.

The Highway Authority has fully considered the links to the site via walking, cycling and public transport in the numerous consultation responses that have been submitted. A number of improvements are being proposed to the footway network within the village, which include the upgrading of the PRow between the site and Main Street and a new footway provision that links the proposed Foscoate Road access to the existing footway provision that currently terminates at Manor Park. A public transport contribution has been agreed with the applicant in order to ensure an adequate bus service is maintained following the withdrawal of an existing service. This is to the satisfaction of the Council's passenger transport experts. A crossing on the A422 Stratford Road has also been secured to link to the cycleway improvements at the Lower Wharf junction with the A422 to the east of the football club.

It is also important to note that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making. When taking into account the location of the development in the village of Maids Moreton, the existing opportunities to travel by sustainable forms of transport, the proposed improvements to sustainable forms of transport that are to be secured as part of this application along with the sites allocation in the draft VALP, the Highway Authority considers that there is no reason for which to recommend the refusal of the application on these grounds.

Traffic Impact Analysis – The TTC review of the traffic impact assessments carried out by the applicant raises a number of issues that were also picked up in the consultation responses previously submitted. Specifically TTC raise issues with the A413 Moreton Road/High Street and Bridge Street/Market Street/West Street junctions and the College Farm Road/A422 Stratford Road junction. The consultation responses also raised issues with these junctions and that it has been agreed that the impact on the junctions within Buckingham Town Centre will be dealt with by an agreed contribution to the Buckingham Transport Strategy. The issues at the College Farm Road junction with Stratford Road have been the subject of significant consideration and the agreed solution to these issues is detailed in the consultation response dated 30th November 2018.

Consultation Response and Report Iterations

The TTC report provides comments on the consultation responses that have been provided over the consultation period and also provides comments on the further information provided by the applicant's highway consultation is response to the Council's comments. The comments made by TTC centre around what they consider to be the main issues of contention, which are:

- Main Street and Walnut Drive Mini Roundabout
- Stratford Road (A422)/College Farm Road junction
- Foscoote Road Footway and Carriageway Proposals
- Moreton Road junction with the High Street (old Gaol)
- Crossing on the A422 Stratford Road

Responses under the appropriate heading below:

Main Street and Walnut Drive Mini Roundabout

TTC state that the impact on the properties opposite Walnut Drive has not been considered and that vehicles accessing these properties would most likely drive in forward and reverse out onto the roundabout. It can be confirmed that this issue has been considered in detail and a site meeting has been held with the owners of the property opposite the junction, which was also attended by a Traffic Management Officer from Thames Valley Police. The specific issues were discussed and a response to these concerns was provided. There has also been written correspondence between the property owners and the Council responding to specific concerns that were raised. Both the Traffic Management Officer and the Highway Authority are satisfied that the matters relating to the proposed junction improvements are adequately addressed.

In terms of TTC's comment relating to the assumption that vehicles accessing the properties would most likely drive in forwards and would reverse out, it should be noted that the Highway Code advises that vehicles should reverse off of the highway so that the reversing manoeuvre is visible to other highway users, rather than emerging from a driveway in reverse, where the vehicle may not be as visible to others on the highway. The impact on the properties opposite the Walnut Drive/Main Street junction has therefore been fully considered throughout the process.

TTC have provided comments on the visibility at the proposed mini roundabout junction, along with comments relating to entry lane widths. In terms of the visibility, TTC refer to the visibility splay passing over third party land; however it is unclear which drawing they are referring to as no drawing number has been provided. The applicant has however provided drawing number 1158-01 Rev M, which shows visibility splays passing within either highway land or land under control of the applicant, and clear of third party land. The Highway Authority is satisfied that these splays can be secured. It is also important to note that the mini roundabout still has to go through the detailed design process as part of a S278 Off Site Highway Works Agreement, where any outstanding details can be addressed.

Stratford Road (A422)/College Farm Road Junction

This junction has been the subject of extensive review as part of this application. As part of this review a number of mitigation schemes were considered. TTC have questioned the reliability of the modelling produced by the applicant, which is something that the Council does not necessarily disagree with, as set out in the consultation responses submitted during the consultation process. However, those consultation responses also detail how the Council considered matters at this junction can be addressed.

From the consultation letter dated 30th November 2018 the updated junction models provided by the applicant showed that in the future year base line scenario the junction was subject to operational issues. However, once calibrated correctly the junction model showed RFC values of 9999, which suggests that the PICADY programme is not able to accurately reflect how the junction would perform. The queue of vehicles along College Farm Road was shown to reach 125 vehicles in the AM peak, while it is considered that in reality a queue would not reach this level given the relatively low levels of traffic that use College Farm Road. The results from the two development traffic scenarios (applicant's distribution and distribution recommended by the Council) show queues increasing to 151 vehicles and 174 vehicles. Again, this level of queueing is not considered realistic given the low traffic volumes and is instead considered to be a function of the junction model being over capacity.

While the TTC report very much focuses on the modelling produced by the applicant and what the impacts of the mitigation proposed by the applicant may or may not achieve, the Council's view is to consider whether improvements to the junction to increase its capacity would actually be the best option as they are likely to increase the attractiveness of using College Farm Road. It is also considered that any meaningful increases in junction capacity to accommodate additional demand on College Farm Road would also have a negative impact on the A422, all to accommodate a relatively small increase in traffic demand.

The Highway Authority's consultation response dated 30th November 2018 details a mitigation package that looks at improvements on the A422 in the vicinity of the junction with College Farm Road to improve safety at the junction and also looks at traffic calming works to the north western end of College Farm Road at its junction with Church Street to make College Farm Road a less attractive route.

A Monitor and Manage Strategy is also to be agreed that monitors the impact of the development over a period of time and provides the Council with the ability to secure works to mitigate the development impact if required. A mitigation scheme has been agreed in principle for improvement works to the College Farm Road junction which has been shown to mitigate the impact of the development if required. At the previous Committee Meeting it was a request from Members that the Monitor and Manage Strategy also monitored the development impact through Foscoote, and this will also therefore be built into the Strategy, with the aim being to provide mitigation measures to deter development traffic from using the route through Foscoote to access the A422 should they be deemed necessary. It is noted that TTC suggest that the route along Foscoote Road to access the A422 to the north of the site was not considered within the assessment. This is not the case and the route was considered, however it was not considered that development traffic would have a material impact on this route as there are other, more convenient and attractive routes available.

The TTC report states that they have reviewed the operational effect of the proposed mitigation at the College Farm Road junction with the A422 and have concluded that it offers little benefit in terms of capacity and would not satisfactorily mitigate the impacts of development. However, no detail has been provided as to how TTC have reached this

conclusion and no assessment has been provided to demonstrate this to be the case. The Council considers that its position detailed in the Consultation Response of the 30th November 2018 is appropriate.

TTC have rightly stated that if the traffic calming has the desired effect of deterring traffic from using College Farm Road, meaning that the mitigation to the junction with the A422 was not required, then the funds that would have gone towards the mitigation measures will instead go towards the Buckingham Transport Strategy. TTC consider that these funds are not expected to be substantial given the scale of improvements proposed and that the benefits in comparison to the impact are likely to be minor. It must be pointed out that no evidence has been submitted to substantiate this view. TTC have also failed to acknowledge that this funding would be in addition to the main contribution towards the Buckingham Transport Strategy that is also being secured. TTC also state that the Buckingham Transport Strategy is focussed on reducing traffic within the town centre to address congestion issues, which contradicts the approach being taken in regard to this application, which they say will see an increase in traffic through the town centre as a result of the traffic calming on College Farm Road. TTC has failed to consider the bigger picture in this regard. It is correct that the Buckingham Transport Strategy does seek to remove traffic from the town centre and this is focused on removing those trips that do not need to be there such as traffic with an origin and destination through or around Buckingham. Removing through or around Buckingham trips would improve town centre conditions and allow the impact from local trips such as those from Local Plan development sites including this site to be offset. The Council remains of the view that the proposed measures to monitor and if necessary, manage the impact of the development on the College Farm Road junction with the A422 and on Foscoote Road to the north of the site, remains the most appropriate means of ensuring that the development has an acceptable impact on the surrounding highway network.

Foscoote Road Footway and Carriageway Improvements

The proposed footway and carriageway improvements were subject to significant review as part of the application process, with the Council's consultation response dated 5th October 2017 stating that this element of the proposal was acceptable. In order to allow the Highway Authority to reach this conclusion a number of site visits were carried out by Officers and the applicant carried out two topographical surveys to demonstrate that proposed improvements could be provided within the highway, as well as providing detailed vehicle tracking and addressing issues that were raised in a Stage 1 Road Safety Audit. Together this information allowed the Highway Authority to conclude that the proposed improvements would allow for an acceptable footway connection along Foscoote Road while also maintaining an appropriate carriageway width.

The TTC report suggests that the swept path analysis that has been provided shows vehicles having to pass within centimetres of the footway kerb line to carry out turns and states that it is highly likely that the vehicle body will conflict with neighbouring walls. As stated above, the submitted vehicle tracking was subject to significant review by the Highway Authority, and the fact remains that it is shown to work. The footway

and carriageway works will be subject to detailed design as part of the required S278 Off Site Highway Works Agreement, where the design can be progressed and refined as appropriate.

The TTC report also stated that no consideration has been afforded to the actual deliverability of the footway given its proximity to the neighbouring properties and the level differences between the bottom and top of the existing embankment. The Highway Authority considers that the information submitted, in the form of plans based on two topographical surveys shows that, in principle, the footway and carriageway improvements can be accommodated. The applicant will be aware of the potential challenges in delivering the improvements due to existing level changes and space available but is confident that the improvements can be delivered. As stated above, these improvements will be subject to detailed design as part of the S278 Agreement, and it is at this stage that the detail of exactly how the works will be accommodated will be agreed. The Council therefore remains of the view that the proposed footway and carriageway improvements are acceptable in principle.

Moreton Road junction with the High Street (old Gaol)

The Council's consultation response dated 30th November 2018 refers to concerns raised through Cllr Whyte in relation to the level of development traffic that is likely to use Moreton Road leading directly to the Old Gaol junction. Therefore a package of mitigation measures has been agreed at this junction and for confirmation these include the following:

1. Lane markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes. All lines and signs are to be in accordance with the Department for Transport's current 'Traffic Signs Regulations and General Directions'.
2. A pedestrian refuge on Moreton Road within the vicinity of the roundabout, to provide safe crossing facilities to town centre services.
3. Keep Clear markings across the junction of the public car park on Stratford Road, to assist the bus exiting the High Street and facilitate movements on the network.

The TTC report has considered these improvements and states that no evidence has been submitted to support the assertion that the proposed measures will mitigate the development impact. It is however important to remember that the impact of the development on Buckingham town centre, in terms of traffic, is to be dealt with via the contribution that is to be secured towards the Buckingham Transport Strategy and the proposed measures listed above are to be in addition to this contribution. The proposed improvements will not only offer improvement to the capacity at the junction but will aid the safe and convenient passage of pedestrians across the junction and assist in the movement of busses on the network. The Highway Authority considers that this package of measures will adequately mitigate the impact of the development at this junction.

Crossing on the A422 Stratford Road

The report by TTC refers to the proposed crossing on the A422 at the junction with Lower Wharf to the east of the football club and states that it is difficult to see how this crossing would benefit the site.

The Highway Authority's consultation response dated 30th November 2018 makes it clear that cycleway improvements, which were at that point underway, will link the Buckingham School to the A422 at the junction with Lower Wharf to the east of the football club. It is recognised that this is a school that children from the development will attend and at present they would have no safe and convenient means of crossing the A422 to access the cycleway improvements leading to the school. It is therefore appropriate that the development provides a safe and convenient crossing point on the A422 in the vicinity of these cycleway improvements in order to encourage cycling, which is consistent with the aims of the NPPF. This improvement can only be of benefit to the site and will increase the safety and attractiveness of a cycle route from the site to the school. It is surprising that TTC suggest that they cannot see the benefits of such a link.

Response to Foscote Parish Meeting

Foscote Parish Meeting (FPM) have objected to the planning application for two highway related reasons. The first reason is as follows:

Foscote Parish Meeting OBJECTS on the grounds that the proposed development does not protect rural roads from excessive traffic, and the proposed mitigation measures only serve to exacerbate this issue, so planning permission, if granted, breaches Policy RA.36 AVDLP and Policy T5 VALP.

FPM is concerned that the proposed mitigation measures to deter the use of College Farm Road to access the A422 will effectively push traffic from the development site via the alternative routes of Buckingham Town Centre or along Foscote Road/Foscote Lane. FPM is also concerned that the size and location of this development will generate unacceptable traffic along what they consider to be unsuitable roads and there is not sufficient capacity in the adjoining rural network serving the area to accommodate the anticipated increase in vehicular travel.

The matters raised above have been previously dealt with in the consultation responses submitted in relation to this application. However, in direct response the points raised above it can be confirmed that all routes to and from the site have been considered in terms of the likely impact resulting from the development traffic. Suitable mitigation measures are being secured to mitigate the development traffic through Buckingham Town Centre, suitable calming measures are proposed to reduce impacts on sensitive junctions on primary routes and the impact on the more rural routes to the north of the site will be monitored as part of the Monitor and Manage Strategy, which will also allow appropriate mitigation to be secured if necessary. It is also important to note that all junctions on the local highway network that have been deemed to have a material impact as a result of the development have been the subject of detailed assessment and are shown to be adequate in order to accommodate the additional development traffic. The second highway related FPM objection is as follows:

Foscote Parish Meeting OBJECTS on the grounds that the draft S106 Agreement does not deliver a 'monitor and manage strategy' of the impact of traffic using Foscote Road and Foscote Lane, in accordance with the SDMC Resolution.

FPM is specifically concerned that the draft S106 Agreement refers to a Monitor and Review Strategy rather than a Monitor and Manage Strategy. FPM also states that the

Strategy must refer to specific roads, including Foscombe Road and Foscombe Lane and they have also suggested measures that should be included in the Strategy.

It can be confirmed that the original draft that was published on the Planning Portal was not complete in terms of the wording of the Monitor and Manage Strategy, nor did it reference the need for this Strategy to cover Foscombe Lane and Foscombe Road. The final S106 Agreement will refer to a Monitor and Manage Strategy and will include reference to it covering the development impact along Foscombe Road and Foscombe Lane in addition to College Farm Road. In terms of the detail of the Strategy, this will be agreed with the applicant at an appropriate stage, however the point raised by FPM in their representations will be taken into account.

Conclusion

Mindful of the above, when taking into account the information contained within TTC's report, on behalf of the Maids Moreton and Foscombe Action Group, the Highway Authority's position, as set out in the consultation response dated 30th November 2018, has not changed and the application remains acceptable in highway terms subject to the S106 Obligations and Conditions set out in that response.

The latest representations from Foscombe Parish Meeting and Maids Moreton Parish Council have also been taken into account with regards to the traffic impact on the rural roads in the vicinity of the site and it is considered that these have been subject to appropriate assessment as part of this application. Speeding vehicles would be an enforcement issue for the Police. The points raised in relation to the S106 Agreement and the Monitor and Manage Strategy will also be taken into account when finalising the Agreement.

- A3.2 **Parks and Recreation** – A development of this size requires outdoor playing space (OPS) and equipped play facilities to be provided on site. The AVDC audit shows there is a lack of a suitably sized central public open space as well as no neighbourhood equipped area for play (NEAP) in Maids Moreton and there is a requirement to provide such facilities in addition to a locally equipped area for play (LEAP) on site to make this application acceptable in recreation terms.
- A3.3 **Education** – With regards to primary school provision, the proposed development site falls in the Maids Moreton CE school catchment area. Primary schools in the planning area currently have a surplus of 11%, just above the DfE recommended surplus level of 5-10% required to allow for year on year volatility in pupil demand. However, BCC projects that demand, including estimated pupil growth from over 700 homes with outstanding housing permission, will rise to take up any existing surplus capacity. Therefore, BCC will require the application scheme to make a contribution towards the expansion of primary school facilities at Buckingham Primary School/Maids Moreton School to accommodate future housing. Rolls have been rising steadily at secondary schools in the Buckingham and Winslow area which serve the development – with all schools currently full in the lower year groups. Pupil growth from current outstanding housing permission is projected to put significant increased pressure on secondary schools – with a deficit of places projected. BCC's current plan to meet the projected rising demand is to expand capacity at Buckingham Secondary School and a financial contribution towards this would

be required.

A3.4 **Environmental Health** – No objections.

A3.5 **Biodiversity** – The applicant has submitted further details that set out how this development will generate net ecological gains post development as required under the NPPF.

Local Statutory and Non statutory sites: Insufficient evidence to state the development will detrimentally impact the conservation features of the Wellmore Meadow Biological Notification Site and Foscote Meadow BNS which is separated from these BNS by a main road and there is fencing around the majority of the BNS. The proposed development includes extensive areas of accessible green space for residents to utilise. Likely to be an increased use of the public right of way through Foscote Meadow and Pit BNS but other rights of way surrounding the site offer options for extended walks within the area.

Great Crested Newts: There are no waterbodies present within the proposed development site and no ponds were identified within 500m of the northern boundary of the site. Four ponds were identified within 500m of the southern boundary of the site, one of these is within 250m and had historic GCN records, but is now separated by a residential development. The habitat of the proposed development site is considered to be sub optimum for terrestrial habitats for this species as the built element of the proposal is on the arable part of existing land use. The majority of the remaining habitat features present on site (grass perimeter to the arable field, hedgerow, scrub and mature trees) are being enhanced within the green spaces provision for the proposal. It is considered likely that the provision provided within these greenspaces proposed at the development would satisfy any licence requirements and the applicant has the option to enter into a district licence scheme if considered appropriate.

Invertebrates: The proposed development retains almost all of the habitats considered to be significant for invertebrate species namely the field perimeter, woodland hedgerows, scrub and trees. Retained existing features will be buffered with new areas of native grassland, trees and shrubs and the required SUDS area will provide further opportunities for this group of animals.

Nesting Birds: The retention of the hedge, scrub and tree species present on site and the uplift of these features with the inclusion of grass buffer strips and enhanced scrub, hedge and tree planting will provide continued opportunities for the bird species identified on site. There may be an impact due to the loss of the arable fields in respect of foraging but the species identified do not rely entirely on this habitat and adjacent fields are being retained. It is considered this impact is not significant to provide additional enhancements over those proposed. Its likely there will be an uplift in urban edge bird species as a result of the enhancements proposed.

Bats: Retention of the hedge, scrub and tree features on site as part of the development and the enhancements required mean the impact on bats is considered not to be significant. Lighting impacts to these areas have been addressed ensuring dark corridors are retained in the areas where green space provision is being established. The site is not considered to offer any bat roosting potential within the existing structures and the two trees proposed to be felled with low bat roost potential will be soft felled.

Ecological Enhancement Plan: This plan has not been established in its entirety and can be secured with a planning condition requiring the applicant to provide the document on determination of the actual site layout plan. This document will need to detail the ecological features identified in both the ecology assessment and the features detailed in the Biodiversity Net Gain Calculation. The plan will require long term management proposals to be set out in detail which will secure the features in perpetuity in line with local and national planning policy.

Biodiversity Net Gain Calculation: Habitat Units (spatial features). The updated metrics submitted in November 2020 by FPCR show a unit gain of 2.40 habitat units which equates to an 11.51% net gain. This net gain is in accordance to the requirement of Para 175 of the NPPF (Feb, 2019). This gain meets the requirement of the Environment Bill and the Vale of Aylesbury Local Plan both of which are not currently mandated. Management of the proposed enhancements will require a long term management plan which will be conditioned in any planning approval as stated in the Ecological Enhancement Plan comment above. The temporal multiplier for the various habitats types are set values with the metric and these value have been set to avoid such academic debates when planning permission are being determined. These values (or temporal multipliers) were set by Natural England's Senior Advisors for the various habitat types, therefore these values should be given significant weight. The DEFRA metric 2.0 takes into account the losses and gains over each year accumulating these. The updated metric provided by FPCR in November 2020 addresses the concerns raised over this matter.

Linear features – Hedgerows The DEFRA metric does not take into account whether a hedgerow is 'important' under the Hedgerow Regulations or whether it is a Schedule 41 habitat (not protected). The metric is a tool which quantifies the net gain or net loss of a scheme when assessed against a variety of ecological criteria. The calculated net loss of hedgerows within the development can be mitigated for through native hedgerow planting elsewhere within the site, with details to be provided at the detailed stage and secured within the Ecological Enhancement Plan condition. There has been an updated review on the status of hedgerows present on site. Hedgerow H1, H3 and H4 are now considered to be in a good condition. The small losses to these hedgerows as a result of the proposed development are now included within the revised hedgerow metric calculation. These revisions show a slightly higher net loss of -0.96 hedgerow units. However, it is important to note that further mitigation for hedgerow loss can be provided at the detail designed stage through the provision of more hedgerow or native species planting in the Green Infrastructure package this scheme provides, which will be secured through a planning condition through the Ecological Enhancement Plan. The updated FPCR metric dated November 2020 is therefore considered to demonstrate the proposed development can achieve a net gain in both habitat and hedgerow units. Consequently, the scheme is in accordance to current national and local guidance covering ecological and nature conservation.

Further comments - It is standard practice to liaise with the consultant ecologists over matters concerning the proposed development and the need to reassess the ecology reports submitted. The consultant ecologist has taken on board the issues raised and redressed the report. Many of the points raised in the action groups concerns have been taken on board. The hedgerow reassessment takes in the hedgerows not accounted for in the first instance and will require an uplift in hedgerow retention and enhancement in the revised enhancement plan. The Biodiversity Net Gain calculation has been reassessed using the DEFRA metric which is now the standard metric tool. The revised metric takes in the updated information and will required a greater uplift in gains on site. GCN will be dealt with under the district licence. These species were assessed in the original ecology assessment and restricted to the periphery of the site outside of the arable fields that will contain the proposed housing and not considered to be impacted due to the retention of those features. Further enhancements to these areas have been identified directly adjacent to the existing features and will need to be established in the enhancement plan. The ecological enhancement plan will be critical to ensure the concerns raised are appropriately addressed.

- A3.6 **SuDS** – No objections, subject to conditions to secure a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Pleased to note that the proposed drainage strategy introduces a variety different SuDS components including soakaways, swales, wetlands and infiltration basins which will provide additional water quality, biodiversity and ecological benefits.
- A3.7 **CPDA** – Raises queries regarding the location of the LEAP tucked away to the north-west corner, with lack of surveillance. Some concerns about the amount of exposed boundaries which are more vulnerable to crime, need clear boundaries, defined boundaries and routes, active surveillance, defensible space. Would request that the applicant achieves Secured by Design, including for doors, windows and glazing.
- A3.8 **Archaeology** – An archaeological evaluation has been undertaken at this site and has included a geophysical survey and trial trenching. The results of this showed that archaeological remains encountered across the site correspond closely to the interpretation of the geophysical survey. This suggests that the geophysical survey results are a fairly reliable indicator of the extent of remains at the site although some features, particularly those that were either small or shallow, were not always apparent on the survey. Excavation has also indicated that although remains survive across much of the site, they have in places been heavily truncated, probably by ploughing. Nonetheless, some substantial linear features surviving to almost 1m deep were recorded. The site can be shown to have a high archaeological potential for evidence of Roman settlement and

agricultural activity across all three fields, as well as prominent evidence of later medieval agricultural ridge and furrow cultivation. There is also the potential for evidence of prehistoric activity in the eastern field. As such a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with the NPPF to ensure there is no harm.

A3.9 Tree Officer – The submitted Arboricultural Impact Assessment report is considered to be a true reflection of the trees existing on the site, indicative of their quality and value in accordance with the BS5837 criteria. Key constraints on the site appear to have been identified, therefore in principle the development appears to be fully achievable. However, there is some conflict on the plans where there is overlapping of the root protection areas with drainage channels/attenuations pool, roadways for example which will need to be addressed. No objections subject to conditions to secure tree protection and a landscape scheme.

A3.10 Housing – In order to be policy compliant schemes of 25 units or over (or 1ha or more) are currently required to have a minimum of 30% affordable housing unless a Neighbourhood Plan indicates a greater percentage. If, for example, the scheme achieves 170 dwellings we would expect to see at least 51 affordable units.

Affordable units should be reflective of the overall housing mix whilst also taking in to account the local needs of the district. There is currently a greater need for 2 bed 4 person and 3 bed 5 and 6 person houses, slightly less for 1 bed 2 person and 4 bed 7 to 8 person houses. We would ask for a tenure mix of 75% rented and 25% shared ownership. We find that 2 and then 3 bed houses are preferred for shared ownership.

The latest Bucks Housing & Economic Development Needs Assessment shows a need for more affordable units to be accessible and adaptable, recommending that they meet Category 2 (accessible and adaptable) of Approved document M of the Building Regulations 2010 with a proportion of those for rent (15%) meet category 3 (wheelchair user) of the same document. We would therefore ask that this need be reflected where possible and that unit sizes be broadly in line with the Nationally Described Space Standards. In terms of overall design details, build quality and materials the affordable units should be indistinguishable from market housing.

Affordable housing should be well distributed throughout the whole site. I would suggest clusters of no more than 10 affordable units would be appropriate here. Consideration should also be given to the types of property the site will abut as placing new affordable housing adjacent to that on another site or phase could also be considered clustering. In any event such clusters must not exceed 15 houses or 18 if including flats. A road or garden boundary does not separate clusters.

The applicant will need to supply an affordable housing plan at the next stage of the application process showing the location, tenures, sizes and mix of affordable units that will be supplied taking in to account the points above.

A3.11 Rights of Way – The existing use of the public footpath (MMT/2/1) is likely to be recreational providing a circular walk or longer through fields. The application proposes a

3m wide surface and lit walking and cycling route along 163m of footpath MMT/2/1 towards Main Street. Such an improvement would provide a sustainable transport link from the development to the village centre and local bus stops and should tie in with the footpaths in the development if the bitumen surface is extended at the same width. Noting this is an outline scheme, the remainder of the footpath passes through a wide green corridor that is relatively well overlooked and avoids exposed backs immediately adjacent to neighbouring properties. In addition improvements should be made to facilitate pushchair and disabled access at the detailed stage. No objections and recommend a condition to secure re-surfacing of the footpath and its widening.

- A3.12 **Heritage** – The site is visually separated from the Maids Moreton Conservation Area and the Listed Buildings within it by a belt of more recent development to the immediate north of the designated assets. Aside from glimpsed views from the junction of Walnut Drive and Main Street it is unlikely that the proposed development will be visible from the Conservation Area and given the presence of modern housing already on this edge of the village there will be no impact on views into the conservation area from the north. However this development proposal necessitates highway works in the form of a mini roundabout which will have an impact on the setting of 3 listed buildings and Maids Moreton Conservation Area. Whilst this will have a negative effect on the setting of these heritage assets this is an established highway and modern housing already exists on this edge of the village. These highway works will have a minor negative effect on the significance of the heritage assets although this is at a lowest level of harm and would be less than substantial harm in terms of the National Planning Policy Framework. As such there are no objections to this development proposal.

Further comments: The heritage assets are located near to an existing highway and modern housing already exists on the edge on the village. It is presumed that the construction of the modern housing has not caused harm to the condition of these heritage assets and that this development was built without the need for restrictions to construction traffic in order to protect the heritage assets? If this is the case, it is considered that it would be difficult to justify any measures to safeguard these heritage assets from the possible effects of construction traffic. Confirmed the importance of the heritage assets would be preserved given the current context.

- A3.13 **Recycling and Waste** – The developer should seek reference from the Council’s recycling and waste advisory note.

- A3.14 **Bucks, Berks, Oxon Wildlife Trust** – Object as would result in increased recreation pressure and antisocial behaviour on Foxcote Reservoir Nature reserve and SSSI. A fence should be installed along the southern reserve boundary where informal access would most likely occur and for new signage at entrance to explain why dogs are not allowed and the importance of the site for wildlife. Would also welcome each new household being provided with gift membership of BBWOT so they better benefit from living near the reserve.

A3.15 Natural England: - Foscoote Reservoir and Wood Site of Special Scientific Interest - Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. Advise the inclusion of elements of Green Infrastructure (GI) within all new developments. Elements of GI such as open green space, wild green space, allotments, and green walls and roofs can all be used to create connected habitat suitable for species adaptation to climate change. Welcome the inclusion within the designs for an 'ecological area', new woodlands as a buffer on the north east boundary of the proposed development, and new wetlands within the site area and advise that any trees and shrubs planted are native and characteristic of the area. The proposals should include trees such as hornbeam, whitebeam, beech, field maple and wayfaring trees. This will go some way towards ensuring the development results in an overall biodiversity net gain. The proposed development is removing an area of approximately 8 hectares of Best and Most Valuable (BMV) Land. Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and its use in the design and construction of development is recommended.

Further comments: No objection subject to appropriate mitigation being secured. Without appropriate mitigation the application would damage or destroy the interesting features for which Foxcote Reservoir and Wood Site of Special Scientific Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- . The construction of a development so close to the SSSI boundary could cause pollution, dust, disturbance and other impacts upon the site. The following measures must be assured for future developments to ensure the impact is minimised:

- o Implementation of the Ecological Enhancement Plan prepared by Scarborough Nixon Associates Ltd (March 2016) which sets out measures to protect species during the construction and operational phase. It should be updated to include mitigation measures that will minimise disturbance to overwintering birds at Foxcote Reservoir & Wood SSSI.

Recommend that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Further advice on mitigation:

- . The Ecological Enhancement Plan should be updated to detail how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to overwintering birds.

- . BBOWT has raised concerns about the development increasing recreational pressures at Foxcote Reservoir & Wood SSSI. Although Natural England are not formally objecting, the comments raised by BBOWT are supported and weight should be attributed to their comments.

Best and most versatile agricultural land and soils: Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). If the Authority

consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, the matter further can be discussed further. Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and its use is recommended in the design and construction of development, including any planning conditions. Should the development proceed, the developer is advised to use an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

A3.16 Anglian Water:- Assets Affected - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Wastewater Treatment - The foul drainage from this development is in the catchment of Buckingham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

- Used Water Network – The development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted and will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A condition requiring phasing plan and/or on-site drainage strategy is recommended along with informatives.

- Surface water disposal - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, no comments on the suitability of the surface water management are provided and the Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

A3.17 Contaminated Land Officer: Also given the nature of the development it is not considered that it would adversely affect air quality. With regard to contaminated land, the existing land use of the site is for agricultural purposes. The report submitted with the application states that the site has remained relatively undeveloped until the time of the investigation with the exception of a farm located within the eastern field of the site. However, several potential sources of contamination have been identified as being present including the potential for made ground, pesticides, elevated metals within natural soils and ground

gases from organic materials present within localised made ground. Therefore the Phase 1 investigation concludes that the site requires an intrusive investigation and assessment to inform the design of the proposed residential development. Based on this conclusion a ground investigation was completed. The ground investigation identified that elevated levels of arsenic were present across the entire site. The report states that there is no evidence of man-made sources of arsenic at the site. However, the geology present is known to have naturally high levels of arsenic as identified within the Advanced Geochemical Atlas of England and Wales. The report goes on to say that this exceedance is not considered a significant risk to human health and is in line with the current Contaminated Land Statutory Guidance, which accepts that there may be natural background levels of substances as a result of the geology. However, the Council's Contaminated Land Officer agrees with the recommendation that further assessment is undertaken using bioaccessibility testing to determine the likely risk present to human health from the elevated levels of arsenic present at the site and that based on the results of the bioaccessibility testing, remedial works may be required. Conditions can be imposed to address this. No other elevated contaminants were identified as being present at the site.

Site and Layout Plans

Appendix 1 red line boundary

Appendix 2 illustrative landscape masterplan

Appendix 3 mini roundabout plan

Appendix 4 College Road/ Church Street

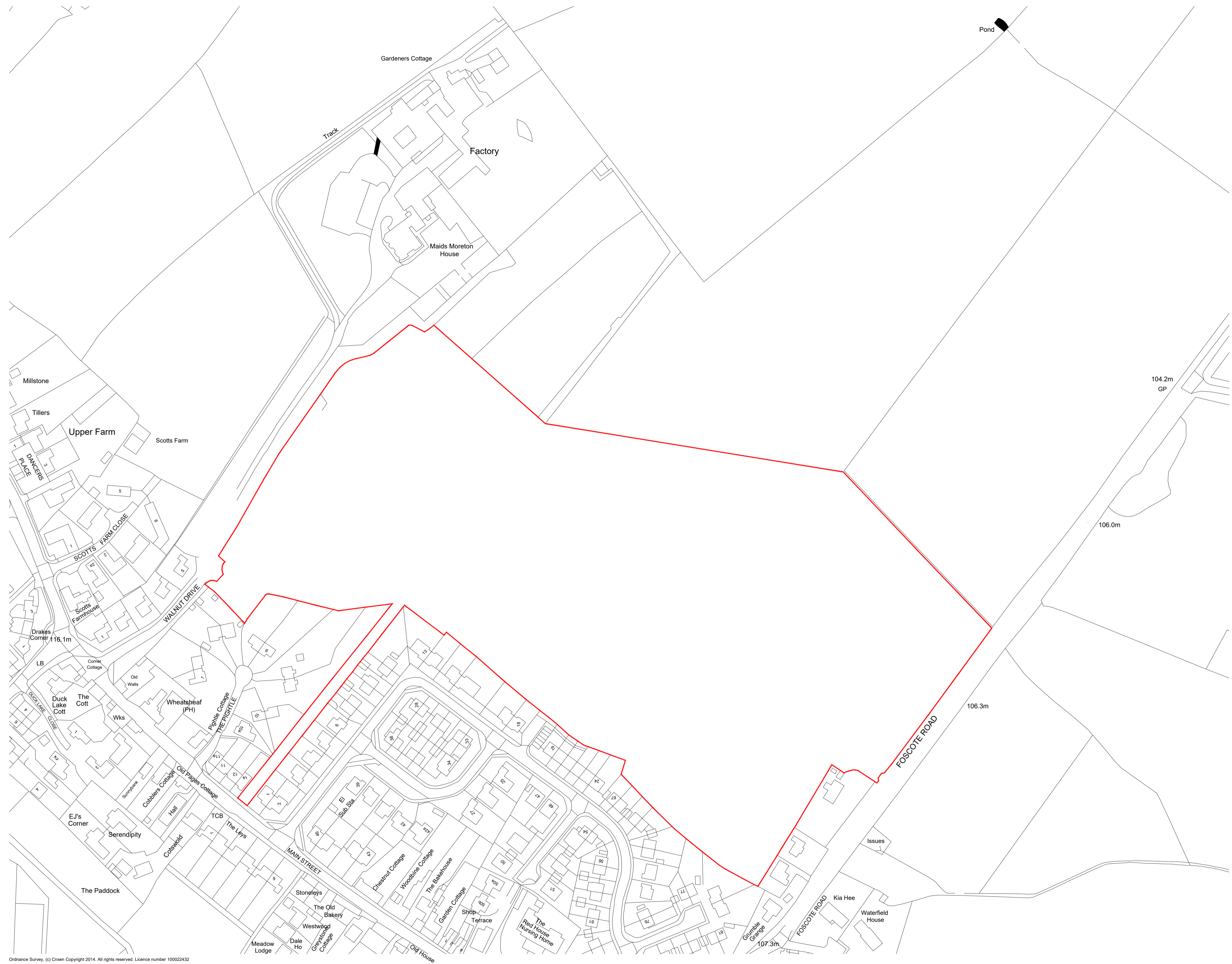
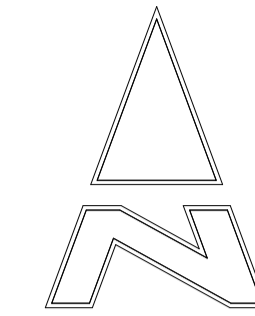
Appendix 5 College Road plan

Appendix 6 A422 road improvements

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Disclaimer

Images and site layout are intended for illustrative purposes only and should be treated as general guidance only. Site layout including parking arrangements, local affordable housing, community buildings, play areas and public open spaces may change to reflect changes in the planning permission for the development. Please speak to your solicitor to whom full details of any planning consents including layout plans will be available. Site layout and landscaping are not intended to form part of any contract or warranty unless specifically incorporated in writing into the contract.



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Rev	Description	Date	Drawn	Chk'd
A	Red Line Boundary Corrected	05/10/20	na	

DAVID WILSON HOMES Little details. Big difference.
 South Midlands
 David Wilson Homes (South Midlands) is a member of DWH Trading Limited
 1a Fortune Close
 Riverside Business Park
 Northampton
 NN3 9HT
 T: 01604 784000
 F: 01604 789003
 W: dwh.co.uk

Project
Foscote Road
 Maids Moreton

Drawing Title
Red Line Boundary

Scale
 1:1250 @ A1

Date
 December 2015

Drawn By
 NAME

Drawing Ref
S254-110

Revision
A

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LEGEND	
	PROPOSED HOUSING
	PROPOSED ROADS
	EXISTING VEGETATION
	PROPOSED VEGETATION
	PROPOSED MEADOW GRASSLAND
	PROPOSED FORMAL GRASSLAND
	PROPOSED SWALES
	PROPOSED ATTENUATION POND



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MAIDS MORETON
LANDSCAPE AND VISUAL ASSESSMENT
ILLUSTRATIVE LANDSCAPE
MASTERPLAN

MM2

Scale 1:2,000 @ A3	Date SEP 2016
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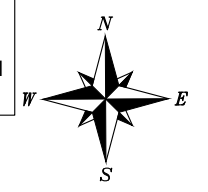
Appendix 2

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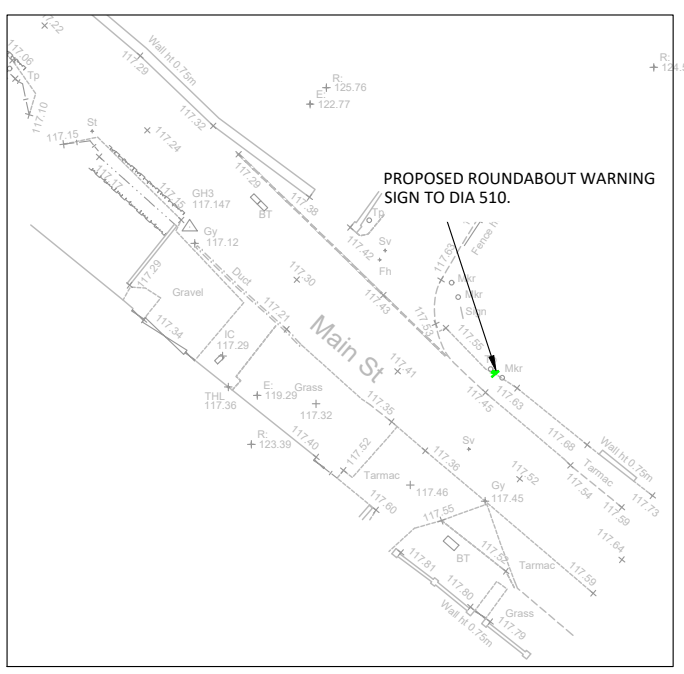
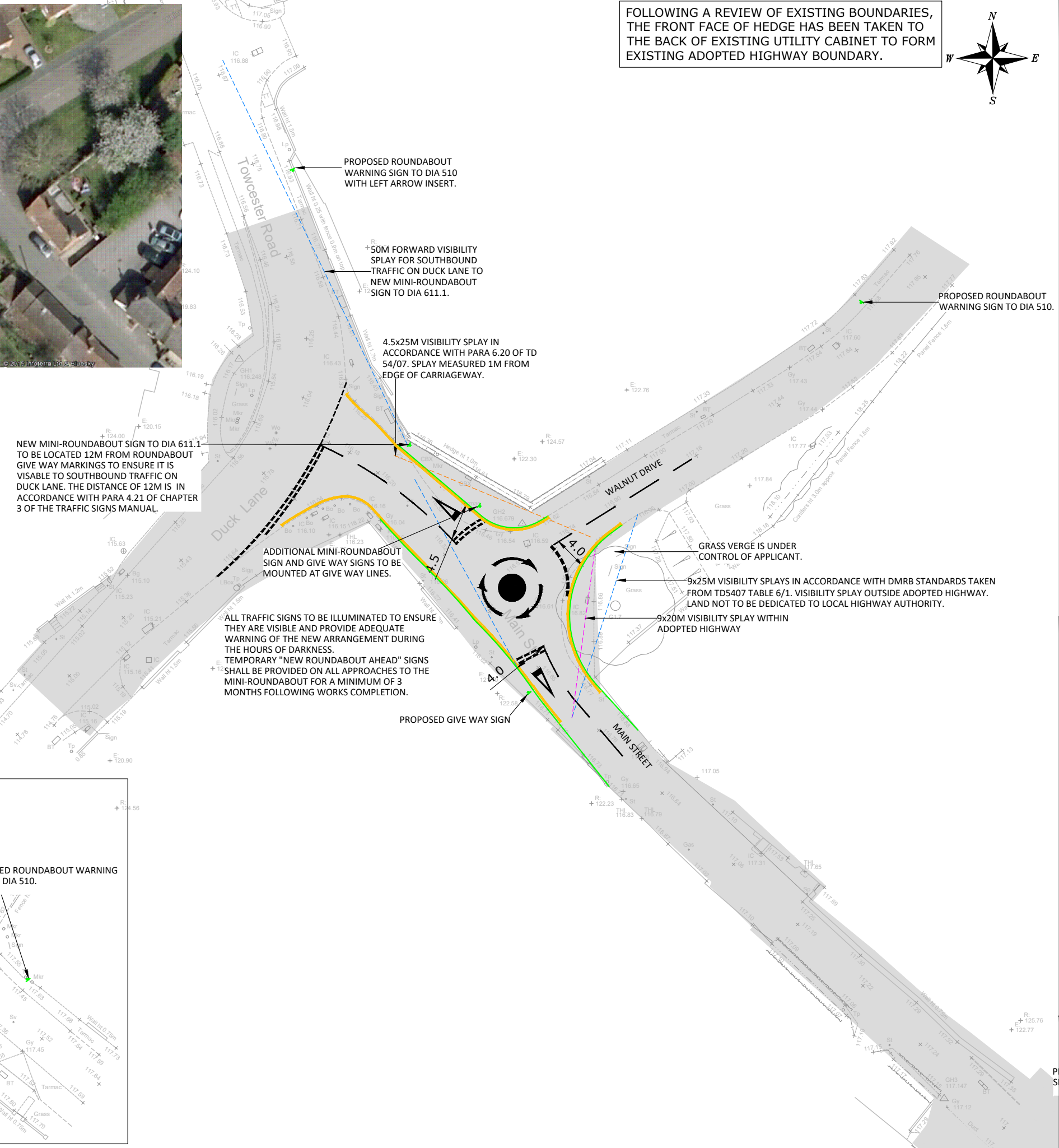
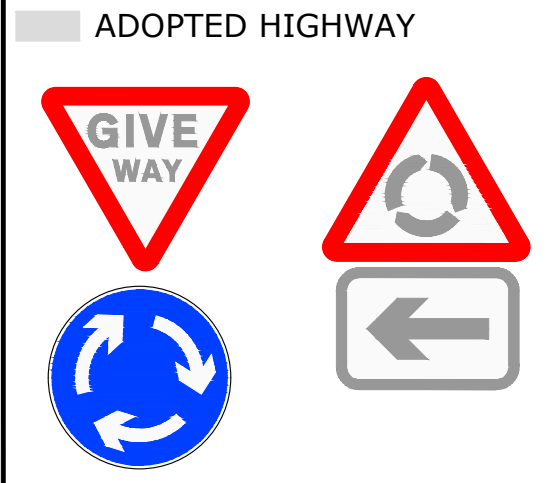


NORTH SOUTH AERIAL VIEW

FOLLOWING A REVIEW OF EXISTING BOUNDARIES, THE FRONT FACE OF HEDGE HAS BEEN TAKEN TO THE BACK OF EXISTING UTILITY CABINET TO FORM EXISTING ADOPTED HIGHWAY BOUNDARY.



NOTES
THIS LAYOUT IS FOR INDICATIVE PURPOSES ONLY AND IS SUBJECT TO FURTHER DESIGN ANALYSIS, TOPOGRAPHICAL MAPPING & CONFIRMATION OF HIGHWAY/THIRD PARTY LAND BOUNDARIES.



PROPOSED WARNING SIGN

M	A.HIGHWAY BOUNDARY AMENDED	JC	MR	DEC 18
L	OVERLAYED ONTO TOPO	JC	MR	JUN 18
K	REVISED TO SHOW LOCATION OF WARNING SIGNAGE ON MAIN STREET	JC	MR	JAN 18
J	ILLUMINATED SIGN NOTE ADDED FOLLOWING RSA	JC	MR	JAN 18
I	SPLITTER ISLAND REMOVED/EXTRA SIGNS ADDED	JC	MR	JAN 18
H	NOTES ADDED	GM	MR	JAN 18
G	DOUBLE YELLOW LINES ADDED	JC	TR	SEP 17
F	ADDITIONAL TRACKS ADDED	JC	MR	JUN 17
E	ADDITIONAL NOTES ADDED AS REQUESTED	JC	MR	MAR 17
D	AMENDED IN LINE WITH COMMENTS	JC	MR	JAN 17
C	GIVE WAY ADDED	JC	MR	JUL 16
B	MINI-ROUNDABOUT ARRANGEMENT ADDED	JC	MR	JUN 16
A	CARRIAGEWAY WIDTHS ADDED	SM	MR	NOV 15

REV.	DETAILS	DRAWN	CHECKED	DATE
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CLIENT:
DWH

PROJECT:
FOSCOTE ROAD, MAIDS MORETON

DRAWING TITLE:
PROPOSED MINI-ROUNDABOUT MAIN STREET/WALNUT DRIVE

SCALES:
1:500 @ A3

DRAWN: JC CHECKED: MR DATE: JUNE 18

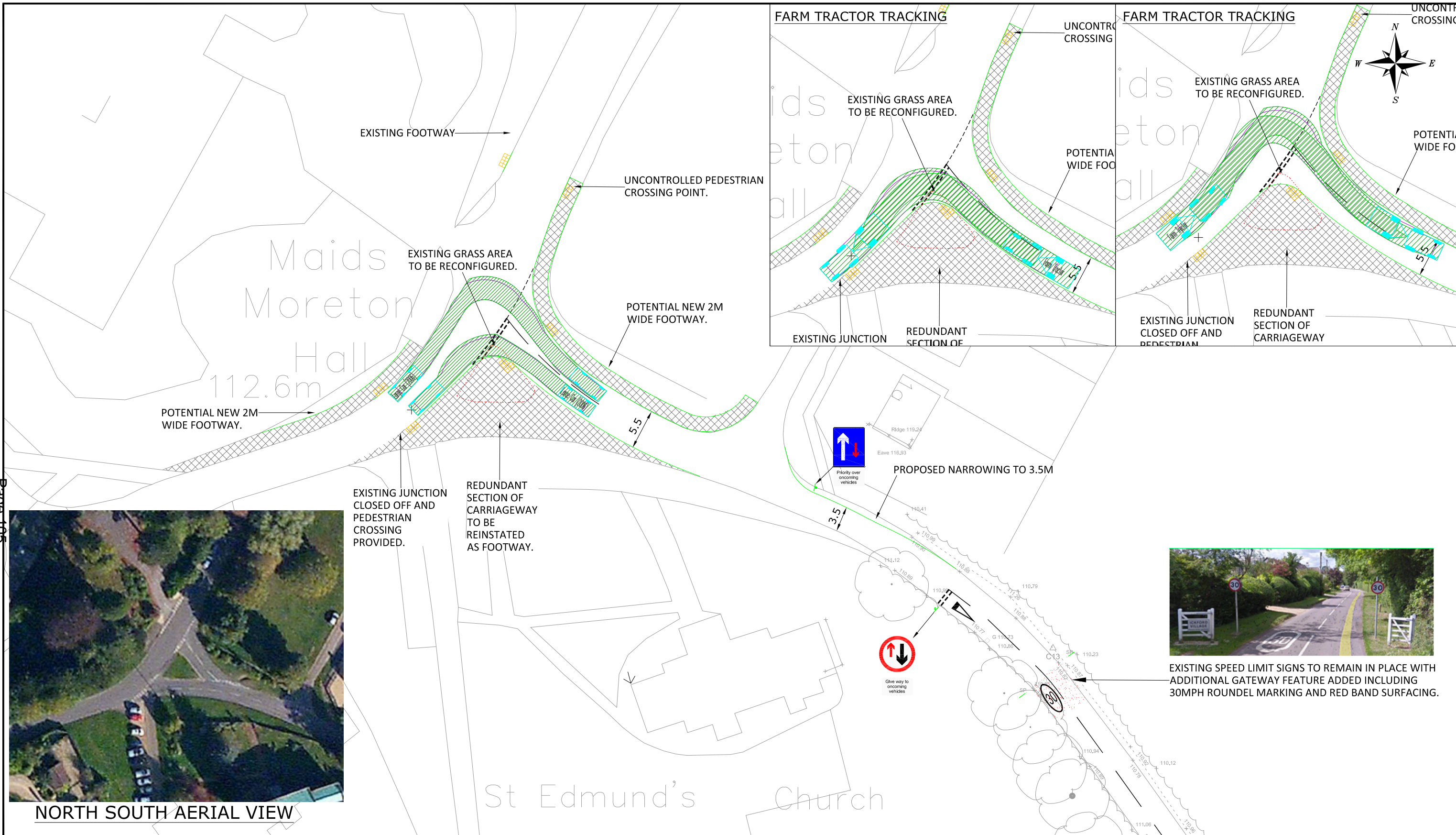
9 Jordan Street,
Manchester,
M15 4PY

croft
Transport Solutions

Email: info@crofts.co.uk
Tel: 0161 667 3746
Web: www.crofts.co.uk

DRAWING NUMBER: **1158-01** REVISION: **M**

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REV.	DETAILS	DRAWN	CHECKED	DATE	NOTES:

NOTES:

FOSCOTE ROAD, MAIDS MORETON

POTENTIAL TRAFFIC CALMING WORKS TO COLLEGE ROAD/CHURCH STREET

DRAWN: JC CHECKED: MR DATE: JUN 18 SCALES: 1:1000 @ A3

DWH

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croft
Transport Solutions

DRAWING NUMBER: 1158-F07

REVISION: Appendix 4

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NORTH SOUTH AERIAL VIEW



NOTES
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ADOPTED HIGHWAY



REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT: **DWH**

PROJECT: **FOSCOTE ROAD, MAIDS MORETON**

DRAWING TITLE: **POTENTIAL COLLEGE ROAD IMPROVEMENTS (SECTION 106)**

SCALES: **1:200 @ A1**

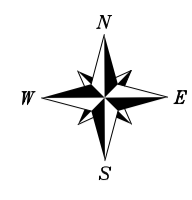
DRAWN: JC	CHECKED: MR	DATE: JUN 18
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DRAWING NUMBER: 1158-F09	REVISION: .
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NORTH SOUTH AERIAL VIEW



NOTES

THIS LAYOUT IS FOR INDICATIVE PURPOSES ONLY AND IS SUBJECT TO FURTHER DESIGN ANALYSIS & HIGHWAY/THIRD PARTY LAND BOUNDARIES.

REV.	A	REVISED IN LINE WITH COMMENTS FROM BUCKS CC	SM	MR	JULY 18
		DETAILS	DRAWN	CHECKED	DATE

CLIENT: DWH

PROJECT: FOSCOTE ROAD, MAIDS MORETON

DRAWING TITLE: PROPOSED A422 STRATFORD ROAD IMPROVEMENTS (SECTION 278)

SCALES: 1:500 @ A1

DRAWN:	JC	CHECKED:	MR	DATE:	JUN 18
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MAIDS MORETON & FOSCOTE ACTION GROUP
Objection to Planning Application 16/00151/AOP

1. Summary

- 1.1 Planning permission for this development should be REFUSED because the development conflicts with a number of saved policies from the adopted Aylesbury Vale District Local Plan (AVDLP) – including policies GP.8, GP.35, GP.45, GP53, RA.2 and RA.36 - such that it cannot be considered to be in accordance with the development plan when considered as a whole. It is noted that only one saved policy relevant to this application, namely RA.14, is considered out of date.
- 1.2 The proposed development also conflicts with a number of policies in the emerging Vale of Aylesbury Local Plan (modified version, Oct 2019 – ‘VALP’), to the extent that these can be given weight under NPPF para 48, including S2, T3, T5, NE1, NE4, NE7, BE1, BE3 and I5.
- 1.3 Under NPPF para 48, policy D-MOO006 VALP (which allocates this site for development) cannot be given due consideration in this planning decision as there are significant unresolved objections which the Inspector has requested the Council address when responding to the Main Modification Consultation. Furthermore, criteria (f) and (e) under policy D-MOO006, (delivery of net biodiversity gains; and an updated assessment of wastewater treatment works capacity be carried out to identify the need for infrastructure upgrades and how and when these will be carried out to inform site delivery respectively), have not been met.
- 1.4 In addition, the proposed development conflicts with a number of NPPF policies - including paras 122, 170 and 189 - and any such conflict is a material consideration that must be given significant negative weight in the planning balance.
- 1.5 By the Council’s own evidence, the Technical Annex to the Sustainability Appraisal (‘TA 2017’), published *after* the date of this application but before the first determination of this application and submitted as supporting evidence to the allocation of this site in VALP, concludes on p.78 that the application site is the least sustainable site for development in Maids Moreton. This negates the presumption in favour of sustainable development but was not considered in the OR 2019.
- 1.6 Even if the tilted balance were to apply in this case - as suggested in para 2.8 of the Officer’s Report written for the first determination in 2019 (‘OR 2019’) - NPPF para 11(d)(ii) says that decision making should apply this presumption in favour of sustainable development and grant planning permission UNLESS any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. For the reasons given below, as summarised in **Appendix I**, the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 1.7 The evidence in the TA 2017, together with additional evidence that has since come to light and the failure of the draft s106 Agreement to deal with specific issues raised in the OR 2019 means that the adverse impacts of granting planning permission would – even if the tilted balance were to apply, which we do not accept is the case - significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 1.8 We consider granting planning permission would be contrary to both the statutory development plan and NPPF para 11 and therefore effectively unlawful, and object to this planning application on this basis.

1.9 The weight to be given to all the relevant factors for consideration in the planning balance is discussed in detail below, with our conclusions clearly illustrated in **Appendix I**. For ease of reference, we have used the same sub-headings as those used in the OR 2019.

2. Factors to be taken into consideration when determining the benefits and impacts of the proposed development

SUSTAINABLE LOCATION

- 2.1 Paras 10.11-10.12, OR 2019 reference the Settlement Hierarchy Assessment for the Submission Plan (Sept 2017) and the HELAA v4 (Jan 2017) as evidence of Maids Moreton being a medium village, and this site as being 'suitable for development'. It is on this basis that para 10.13, OR 2019 concludes that this site is "*locationally sustainable*".
- 2.2 The Council has now been asked by the Inspector to consider a substantial number of new Examination Documents which severely undermine the validity of the application site (D-MOO006) being an allocation site for development in the VALP (see Examination Documents 186 [A-S], 197, 198, 220, 221, 227 and 228) . In particular, both the Settlement Hierarchy Assessment (which erroneously assesses Maids Moreton as a 'medium village' when it is in fact a 'small village') and HELAA v4 (which was amended in response to this planning application) are called into question in these new Examination Documents.
- 2.3 NPPF para 48 states that planning authorities may give weight to relevant policies in emerging plans in accordance to the extent to which there are unresolved objections to the relevant policies. Whilst the Inspector's examination into the soundness of the Settlement Hierarchy Assessment and HELAA v4 remains open, these documents cannot be called on as reliable evidence of 'sustainable location'. Neither can the contested allocation of this site in VALP be given weight in the planning balance because the objections into this allocation and the associated evidence base are 'unresolved'.
- 2.4 Notwithstanding the incorrect classification of Maids Moreton as a 'medium village' in the Settlement Hierarchy Assessment, Policy S2(h) VALP states "*at medium villages...there will be housing growth at a scale in keeping with the local character and setting*". A development of 170 houses which would increase the population of the village by more than 60% is not at a scale in keeping with the local character and setting. Therefore, the edge of Maids Moreton cannot be said to be a 'sustainable location' for a development of this size and granting planning permission would be contrary to Policy S2 VALP.
- 2.5 The only accepted evidence available for assessing sustainability of the location is the HELAA v3 (published May 2016, *after* the submission of this planning application in January 2016), which assesses the application site as 'unsuitable for development' on the grounds that "*development would not relate to existing pattern of development of the village and there is no suitable access to the land. Would extend village significantly north east into open countryside.*" In view of this assessment in HELAA v3, and the breach of Policy S2 VALP the location must carry a negative weight in the planning balance.

DELIVERING A SUFFICIENT SUPPLY OF HOMES

- 2.6 NPPF para 73 is the relevant paragraph in determining this application, and it states "*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing....against their local housing need where the strategic policies are more than five years old.*"

- 2.7 The most recent published document setting out the current supply of deliverable sites is the AVDC Five Year Housing Land Supply Position Statement (April 2019) which confirms there is a 5.64 year housing land supply; now 5.47 in the Modified VALP, which equates to an over-supply of 740 units (Table 9 following para 3.89 VALP) so the proposed development is not required to meet the five-year housing requirement. Currently there is not a shortfall in the five-year housing land supply position.
- 2.8 Planning Practice Guidance Para 008 Ref ID: 68-008-20190722 says *“In decision-taking, if an authority cannot demonstrate a 5-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in para 11(d) NPPF.”* i.e. if the Council cannot show a 5-year housing land supply, it would carry a significant positive weight in the planning balance.
- 2.9 This matter was addressed in the recent Appeal to planning application 17/03956/AOP (a proposed development of 50 houses on land north of Leighton Road) heard on 16th January 2019, in which the Planning Inspector found *“The provision of housing, and affordable housing in particular, is a material consideration in favour of the proposal. However, because the Council complies with national policy in respect of housing delivery [ie NPPF para 73], this consideration does not outweigh the harm I have found.”*
- 2.10 In other words, where the housing supply complies with the requirements of NPPF para 73 (i.e. the Council can show a 5 year housing supply in accordance with NPPF para 73), the benefit of housing supplied by the development carries a positive weight, but this must be considered against the negative impacts when assessed against all other factors set out in the NPPF. Given the Council can demonstrate a 5.64 year housing land supply, ‘housing supply’ carries a positive weight in the planning balance but when determining this application must be weighed against the significant negative impacts of this development. And in this case, the significant negative impacts clearly outweigh any additional contribution to housing.

BUILDING A STRONG COMPETITIVE ECONOMY

- 2.11 According to NPPF para 83, planning decisions in rural areas should enable the sustainable growth and expansion of all types of business in rural areas, and the development and diversification of agricultural and other land-based rural businesses.
- 2.12 The OR 2019 does not consider NPPF para 83 which is highly relevant to this rural village location and sets out specifically how planning decisions in rural areas should support sustainable economic growth. Instead, para 10.17 OR 2019 sites *“economic benefits in terms of the construction of the development itself, its operation and the resultant increase in population contributing to the local economy”* as the justification for giving it *“considerable positive weight in the overall planning balance”*.
- 2.13 This statement in the OR 2019, which focuses on the short-term benefits of the construction phase only and has no evaluation of the local rural economy, is in direct contrast to the assessment of the economic benefits of developing this site that are assessed in the TA 2017. The TA 2017 (p.75) concludes *“It is not clear that there is an ‘employment’ opportunity associated with housing growth at Maids Moreton, albeit there are a number of businesses located at the small employment park north of the village.”*
- 2.14 By the Council’s own evidence in the TA 2017, at best the economic benefit of the development can only be given a neutral weight in the planning balance, particularly given the lack of long-term

businesses and employment opportunities within walking or cycling distance of the development. The “considerable positive weight” given to economic benefits by the OR 2019 has not been justified.

PROMOTING HEALTHY AND SAFE COMMUNITIES

- 2.15 According to the TA 2017 (p.75), the development site is the least sustainable site in Maids Moreton for promoting healthy and safe communities due to it being *“located at the northern edge of the village, i.e. the edge furthest from Buckingham (and also Maids Moreton Primary School, which is on the edge of Buckingham). The site would be c1.5km from Buckingham town centre.”*
- 2.16 The TA 2017 recognises that the application site can deliver outdoor playing space (OPS) and a Neighbourhood Equipped Area of Play (NEAP). However, this carries no weight in the planning balance because the apparent ‘need’ for play-space in Maids Moreton is based on the erroneous conclusion in the 2017 Open Space, Sports and Recreation Needs for Aylesbury Vale Audit that Maids Moreton has no OPS or NEAP. There is both a fully equipped NEAP and OPS in Maids Moreton.
- 2.17 Notwithstanding the erroneous belief that there is a need for OPS and NEAP in Maids Moreton, promoting healthy and safe communities is afforded neutral weight in the planning balance.

PROMOTING SUSTAINABLE TRANSPORT

- 2.18 Following a detailed outline of the transport issues thrown up by this development, para 10.53, OR 2019 says *“having regard to the above matters and the extensive mitigation put forward for the development, which would have to be secured as part of a comprehensive legal agreement, it is considered that the development would accord with Policy GP24 of AVDLP and with the aims of the NPPF and as such this matter should be afforded neutral weight in the planning balance”.*
- 2.19 However, since publication of the OR 2019 significant traffic and transport issues remain unresolved. The traffic and transportation submission has been independently reviewed by The Traffic Consultancy in ‘The Highways and Transportation Review’ dated September 2020 (the ‘TTC Review’) which is attached to this objection as **Appendix II**. The outstanding unresolved issues detailed in the TCC Review include: -
- Daily access to services and facilities is predominantly dependent on use of the car. There is no hourly bus service, no regular facilities or services in reasonable walking distance, no rail link and limited suitability for cycle usage.
 - The modelling work conducted in support of the application has been shown to be erroneous and in part, misleading. The development will generate traffic which will make use of the College Farm Road/A422 junction as this is the most convenient link from the site to areas likely to be accessed by commuters. Every permutation of the modelling has shown there to be capacity issues at this junction, which Buckinghamshire County Council¹ (‘BCC’) consistently referred to as ‘severe’ and none of the mitigation identified has been accepted by BCC. The final agreed scheme does not address the issue.
 - BCC have approved measures to deter development traffic from using this route (to include narrowing College Farm Road at its junction with Church Close) effectively pushing the traffic via Buckingham Town Centre (which is already heavily congested during peak times) or along Foscoote Road/Foscoote Lane (which is unsuitable and has not been assessed for the traffic impact).
 - In two locations, deliverability of the proposals encroaches third party land – firstly the visibility splays at the junction from Walnut Drive, and secondly the footway proposals on Foscoote Road.

¹ Buckinghamshire County Council has since become the unitary authority ‘Buckinghamshire Council’)

BCC has made it clear throughout the consultation that both these are **essential** but, on the proposed plans neither are deliverable due to third party ownership of the required land.

- To redress these issues, the applicant has agreed to fund several local schemes, but funding local schemes does not address the sustainability of the site, capacity issues or deliverability of the scheme.

- 2.20 It is notable that the Council has amended criteria (c) of Policy D-MMO006 VALP to reflect the fact that a satisfactory vehicular access to the application site is not achievable. Criteria (c) previously required the allocation to secure *“a **satisfactory vehicular access**”*. The Council has change this in the Main Modifications because satisfactory vehicular access is not achievable, so it now only requires *“a **new means of access to Foscoote Road and Walnut Drive, including satisfactory visibility splays to Foscoote Road**”*. Notably, there is no mention of satisfactory visibility splays at Walnut Drive because these are not achievable.
- 2.21 The OR 2019 does not consider saved policy RA.36 which states *“In considering proposals for development in rural areas the Council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic generation, including the need to avoid traffic increases and routing to unsuitable rural roads.”* In particular, the proposed mitigation to deter development traffic from using College Farm Road does not reduce the traffic. Instead it encourages traffic generated by the development to use alternative routes, namely Foscoote Road and Foscoote Lane which are “unsuitable minor roads”, to reach the A422 in direct contravention to saved policy RA.36.
- 2.22 Policy T5 VALP says that *“new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development”* and, in particular, *“ensuring that the scale of traffic generated by the proposal is appropriate for the function and standard of the roads serving the area”*. The TTC Review confirms that effective mitigation has not been provided against the transport impacts of this development and that there are issues which remain unresolved. Furthermore, from the applicant’s own studies, there is clear evidence that the size and location of this development is set to increase road congestion along unsuitable minor rural roads and there is not sufficient capacity in the adjoining rural network to accommodate the anticipated increase in vehicular travel. The proposed development therefore breaches Policy T5 VALP.
- 2.23 Policy T3 VALP states that *“Planning permission will not be granted for development that would prejudice or diminish the integrity of the implementation ofthe protected and supported critical and necessary transport schemes identified in the list below”* (underline added).
- 2.24 The premise of the Buckingham Transport Strategy (‘The BTS’) – the key evidence base for the Buckingham transport schemes *“listed”* in Policy T3 – is to direct traffic flow **away** from the town centre and is based on HELAA v3 in which this application site was deemed ‘unsuitable for development’ so not taken into consideration.
- 2.25 Therefore, the integrity of the Buckingham *“protected and supported”* transport schemes listed in Policy T3 would be diminished by the increased traffic flow through the centre of Buckingham resulting from the proposed mitigation measures deterring traffic use of the College Farm junction. As a result, granting planning permission for the proposed development breaches Policy T3 VALP.
- 2.26 This is corroborated by the Council’s evidence in the TA 2017 (p.77) which ranks the application site as the least sustainable site in comparison to other potential allocations within Maids Moreton and

says “Maids Moreton is a lower order settlement, and hence inherently less suited to receiving growth, from a transport perspective.”

- 2.27 Furthermore, the draft s106 Agreement on which the neutral weight given in para 10.53, OR 2019 is dependant, does not adequately set out the mitigation package or address the transport concerns. The substantial failings of the draft s106 Agreement are clearly set out in a letter from this Action Group dated 6th June 2020, in a detailed comment received from Foscoote Parish Meeting and objections received from Maids Moreton Parish Council, all of which are publicly available on the planning portal and should be considered alongside this objection.
- 2.28 In addition, the draft s106 Agreement does not specifically ringfence the Public Transport Contribution for the funding of an improved hourly bus service to Maids Moreton in accordance with para 10.100, OR 2019.
- 2.29 In view of saved policy RA.36, policy T5 VALP and policy T3 VALP, this matter must be afforded a negative weight in the planning balance. Moreover, whilst transport issues remain unresolved and the s106 Agreement fails to set out an adequate mitigation package, the negative weight to be afforded to transport impacts in the planning balance must be considered as significant.

CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

- Agriculture and woodland

- 2.30 NPPF para 170 requires planning decisions to contribute to and enhance the natural environment. This includes recognising the intrinsic character and beauty of the countryside and, in particular, *“the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.”* This policy requirement to protect the best and most versatile agricultural land (BMV Agricultural Land), trees and woodland is **absolute** and does not diminish according to the size of the plot.
- 2.31 *“The best and most versatile agricultural land”* is defined as land in Grades 1, 2 and 3a of the Agricultural Land Classification.
- 2.32 The Agricultural Land Classification Report prepared by the applicant confirms *“a detailed assessment of this area has found that the site mostly contains land of Grade 3a quality with small areas of woodland and some non-agricultural land.”* All of this – BMV Agricultural Land and the woodland - should be contributed to and enhanced in accordance with NPPF para 170, and not developed for housing.
- 2.33 However, in para 6 of a Corrigendum to the OR 2019, despite accepting that the application site comprises of BMV Agricultural Land, Councillors were incorrectly advised that *“having regard to the size of the site and the extent of bmv land lost, it is not considered that this would represent a significant loss to the District. As such it is considered that this matter should continue to be afforded very limited negative weight in the planning balance, as identified in the Officer’s report.”* There is no provision in the NPPF that negates or diminishes the requirement to protect the BMV Agricultural Land depending on the size of the plot. The question is not whether there would be a *“significant loss”* of such land to the District, but whether there is a conflict with NPPF para 170; and there clearly is such a conflict.
- 2.34 In para 10.67, OR 2019 it is suggested that NPPF para 170 only applies to *“significant development”*. This is incorrect and misleading. There is a footnote to NPPF para 171 applicable to ‘plan-making’

(not decision making) which says *“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”*. This is not in any way relevant to the considerations of this planning application.

- 2.35 This conclusion is supported by the Council’s own evidence in the TA 2017 (p.77) which grades this site the least sustainable site in Maids Moreton on the basis that *“There is a need to protect agricultural land, and in particular, land that is ‘best and most versatile’ (BMV), as defined by NPPF.....MOO006 [the application site] has been surveyed and found to comprise grade 3a quality land, which is classified as BMV. On balance, it is appropriate to ‘flag’ MMO006 [the application site] as performing relatively poorly [on sustainability]”*.
- 2.36 Notably, policy NE7, VALP says *“where significant development would result in the loss of best and most versatile agricultural land, planning consent will **not** be granted unless:*
a. There are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and b. The benefits of the proposed development outweighs the harm resulting from the significant loss of agricultural land”. The TA 2017 (p.77) clearly illustrates that there is a more suitable site of poorer agricultural quality within Maids Moreton which can accommodate development.
- 2.37 Para 9.14.4 of the Sustainability Appraisal Report Addendum (Oct 2019) prepared by the Council to assess the proposed Modifications to the VALP Sustainability Appraisal shares this view that loss of BVM Agricultural Land should be given significant negative weight in the planning balance, stating *“it is fair to conclude ‘significant negative effects’, as the proposed strategy will result in significant loss of best and most versatile (BMV) agricultural land. Several proposed growth locations are associated BMV agricultural land”*.

- Landscape

- 2.38 NPPF para 170 requires planning decisions to take into consideration *“the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 2.39 Para 2.4, OR 2019 acknowledges that the application site forms a greenfield site at the edge of a settlement and would inevitably result in a significant change to the landscape. Para 10.60, OR 2019 confirms *“It is acknowledged that there would be a **major scale of adverse change** to the currently agricultural fields that form the application site and to the open views across the site currently experienced from homes on the edge of the settlement.”* (emphasis added). In fact, the footpath crossing the site is the only section of the Maids Moreton Circular Walk that gives users a good view of the Foxcote Reservoir and the Foscoote Valley. This walk is heavily used by people from Buckingham and further afield, as well as from the community of Maids Moreton. The loss of these views would have a major negative impact on users from a much wider population than simply that of the homes on the edge of the settlement.
- 2.40 Policy NE4, VALP says *“Development should consider the characteristics of the landscape character area by meeting **all** of the following criteria:*
a. minimise impact on visual amenity
b. be located to avoid the loss of important on-site views and off-site views towards important landscape features
c. respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value
d. Carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates)

- e. minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, and in areas which are intrinsically dark and to avoid light pollution to the night sky*
- f. ensure that the development is not visually prominent in the landscape, and*
- g. not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value.”*

Criteria (a), (b), (c), (f) and (g) clearly cannot be met when locating a 170 house development on the edge of a rural village in the open countryside with wide ranging views to the Foxcote Reservoir (a designated SSSI) and the Foxcote Valley.

- 2.41 The OR 2019 fails to consider Policy NE4, VALP at all although it does acknowledge in para 10.63 that homes to the south of the application site will have *“long term significant visual effects”* in response to the applicant’s Landscape and Visual Impact Assessment summary which says *“The proposed development would result in significant negative effects for two viewpoints on the southern boundary of the proposed development: viewpoint 6, which represents the views from homes on Manor Park; and viewpoint 7, which represents views from the footpath which crosses the application site”*. This clearly contravenes criteria (a), Policy NE4, VALP.
- 2.42 OR 2019 also acknowledges *“a change in experience”* for the users of the footpath that currently cuts through open fields as it will become tarmacked and lit (see para 10.64, OR 2019) which contravenes criteria (e), Policy NE.4 VALP. Furthermore, it is clear later in this objection that the proposal contravenes criteria (g), Policy NE.4, VALP as it will generate unacceptable noise in an area of high amenity value.
- 2.43 Saved policy RA.2 AVDLP, which is acknowledged by the Council in para 1.4 Overview Report (Jan 2019) as being relevant to rural development proposals, states that *“new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements”* in order to protect locations that are experiencing the strongest pressures for development.
- 2.44 As the proposed development does not accord with NPPF para 170, saved policy RA.2 or Policy NE.4 VALP the impact on Landscape must be afforded significant negative weight in the overall planning balance.
- 2.45 This conclusion is supported by the TA 2017 (p.76) which considers this site as the least sustainable in Maids Moreton and confirms *“It is fair to conclude that the large site to the north (MMO006) gives rise to landscape concerns, particularly as it would be highly visible from a public footpath leading north from the village.”*

- Biodiversity

- 2.46 NPPF para 170(d) states *“Planning decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity”*.
- 2.47 Policy NE1, VALP says *“Protection and enhancement of biodiversity and geodiversity will be achieved by the following: (c) A net gain in biodiversity on minor and major developments will be sought by protecting, managing, enhancing and extending existing biodiversity resources, and by creating new biodiversity resources. These gains must be measurable using best practice in biodiversity and green infrastructure accounting and in accordance with any methodology (including a biometric calculator) to be set out in a future Supplementary Planning Document”*.

- 2.48 The applicant has supplied an Ecological Assessment, and a revised Ecological Enhancement Plan supported by Biodiversity Impact Calculations which purport to demonstrate a net biodiversity gain in accordance with NPPF para 170(d) and Policy NE1, VALP.
- 2.49 However, these documents and the Biodiversity Impact Calculations have been independently reviewed by Professor Tim Shreeve of Oxford Brookes University (Professor of Conservation Ecology). His full report is attached to this objection as **Appendix III**. It raises considerable concerns with the methodology used in assessing and calculating net gains for biodiversity. Primarily: -
- The Ecological Assessment gives insufficient detail and inadequate site surveying in the light of pre-existing information held by the Local Environmental Records Centre (LERC). There are discrepancies between the information on the species provided in the Ecological Assessment and the information supplied by the LERC. In particular, species with conservation designations in the information provided by LERC are omitted from the Ecological Assessment, as are the nearest Biological Notification Sites. Consultees were therefore not adequately alerted to what species might be present on the site and what additional surveys might be required before planning permission can be granted.
 - Accompanying the phase 1 survey is a hedgerow assessment. However, the text in the Ecological Assessment does not agree with the information provided in the tabulated survey results with one important schedule 41 hedgerow being incorrectly classified as ‘scrub’. Removal of schedule 41 hedgerow needs to be fully justified within any planning application.
 - The bulk of the Ecological Enhancement Plan is not about the application site. Most is downloaded website information, some of which is irrelevant to this site. Many of the described enhancements could apply to anywhere and there is no real specific referencing to the site itself and to the spatial context of the site.
 - The data used for the Biodiversity Impact Calculations is incorrect for linear biodiversity impacts, with the expectation that new hedges will comprise hedges with trees after 15 years. Such an expectation does not equate with reality so new plantings are given an inflated biodiversity value. No non-linear estimation of biodiversity gain can be calculated as the areas of existing and created habitats given do not allow space for the planned 170 houses and associated roads, unless they can all fit into 0.22ha. It is not possible on the evidence provided to prove a net biodiversity gain.
 - The applicant’s master plan of the site layout and the layout of the Enhancement Plan are not the same. Given that planning permission is being determined on the basis of the applicant’s master plan, it is impossible to be confident that the effects of this development on biodiversity value can be adequately determined.
- 2.50 In conclusion Professor Shreeve states : *“AVDC ecological comments do not consider the major deficiencies of the Ecological Assessment, and their assessment of the Ecological Enhancement Plan and Biodiversity Impact Calculations clearly indicates that neither has been read because it is impossible to determine that there will be a net ecological gain as required by the NPPF.”*
- 2.51 Para 10.73 OR 2019 states there is potential for protected species to be found on the application site which will require the applicant to obtain a NEPS Licence. However, there is reasonable likelihood of protected species being present on the site and affected by the development, but the presence (or otherwise) of protected species, and the extent that they may be affected by the proposed development, has not been established for the purposes of this planning decision.
- 2.52 Natural England can only issue a NEPS Licence *“for the purposes of preserving public health or public safety or other imperative reasons of overriding public benefit including those of a social and economic nature”* (Regulation 55(2)(e), The Conservation of Habitats and Species Regulations 2017).

- 2.53 Para 10.74 OR 2019 lists the “*significant benefits*” which meet the criteria required by Regulation 55(2)(e) above as “*the contribution to housing supply, the provision of affordable housing, and the economic benefits that the scheme would bring, not only in terms of construction of the development, but also the contribution that future occupiers of the houses would make to the local economy*”. These types of generic benefits from development cannot be considered “*imperative reasons of overriding public benefit*”. In fact, this objection establishes that these factors cannot even be considered as benefits outweighing the development’s negative impacts, so it will not be possible for the applicant to obtain a NEPS Licence.
- 2.54 In the Phase 1 Habitat Survey numerous protected species are identified in LERC records. Natural England has issued Standing Advice on protected species which has not been followed in this application. For example, the LERC Records show the presence of Great Crested Newt within the vicinity. According to Natural England Standing Advice, an applicant must survey for Great Crested Newts if “*there’s a pond within 500 metres of the development, even if it only holds water some of the year*”. No such surveys have been undertaken in respect of this application for Great Crested Newt or any other protected species listed in the Phase 1 Habitat Survey.
- 2.55 Policy NE1(g), VALP states “*When there is a reasonable likelihood of the presence of protected or priority species or their habitats, development will not be permitted until it has been demonstrated that the proposed development will not result in adverse impacts on these species or their habitats*”. Planning permission cannot be granted until adequate surveys for protected species have been done, and the applicant has demonstrated there will be no adverse impacts on protected species in accordance with Policy NE1, VALP. The current breach of Policy NE1(g) has not been recognised.
- 2.56 Furthermore, Policy NE1(i), VALP says “*Where there is potential for development, the design and layout of the development should secure biodiversity enhancement A monitoring and management plan will be required for biodiversity features on site to ensure their long-term suitable management (secured through planning condition or Section 106 agreement)*”. The draft s106 Agreement does not include any long-term management plan for biodiversity, which would be of particular importance when building on BVM Agricultural Land which has evidence of protected species established on or near the site. This breach of Policy NE1(i) has not been recognized.
- 2.57 In view of the lack of care and attention given to assessing the biodiversity of this site, both with regards to assessing the net effect of the proposed development on biodiversity and also in surveying potential protected species, significant negative weight must be given to biodiversity impacts in the planning balance. This is accentuated by the difficulties that such a development would have in securing a Licence in accordance with Reg 55(2)(e), The Conservation of Habitats and Species Regulations 2017, and the lack of any long-term management plan for biodiversity in the draft s106 Agreement.

- **Pollution**

- 2.58 With regard to pollution, the OR 2019 only considers NPPF para 178 and concludes in para 10.77, OR 2019 that such consideration has a neutral weight in the planning balance.
- 2.59 However, the Council’s Sustainability Appraisal Report Addendum (Oct 2019, prepared as part of the VALP Main Modifications) states that “*the matter of ‘wastewater services’ is a key ‘pollution’ issue of relevance to the spatial strategy. In particular, there is a need to direct growth to locations where there is capacity at Wastewater Treatment Works (WwTWs), or where there is confidence regarding the potential to generate capacity through upgrade works. Breach of capacity at a WwTW can result in **significant** pollution to the water environment. A recent Water Cycle Study (2017) concluded that*

capacity at Buckingham WwTW could be a constraint to growth at Buckingham **and Maids Moreton**" (emphasis added).

- 2.60 Again, in Para 9.14.4 of the Sustainability Appraisal Report Addendum it reiterates this saying *"'uncertain negative effects' in respect of 'Pollution', on the basis that a high growth strategy at Buckingham / Maids Moreton will necessitate major [work] to the wastewater treatment works (if a risk of pollution incidents is to be avoided)"*.
- 2.61 Policy I5, VALP says that *"Development proposals must meet all the following criteria: (c) Planning applications must demonstrate that adequate capacity is available or can be provided within the foul sewerage network and at wastewater treatment works in time to serve the development"*. There is no evidence in the supporting documentation to this application that this has been done, neither is there provision in the s106 Agreement dealing with any shortfall in the foul sewerage network or wastewater treatment works. The issue of capacity for Waste Water Treatment is not mentioned or dealt with at all in the OR 2019 and clearly necessitates a significant negative weight in the planning balance.
- 2.62 Furthermore, NPPF para 180(b) requires planning decisions to *"ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on.....the natural environment."* In doing this they must *"identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."*
- 2.63 Given the proposed development is on agricultural land on the edge of a village through which runs a well-used footpath, the peace and amenity value of the site must be taken into consideration and development given a negative weight in the planning balance in order to accord with NPPF para 180(b). The OR 2019 fails entirely to consider noise (or light) pollution impacts even though these were issues that have been raised by objectors.
- 2.64 The proposed development should be subject to an Environmental Impact Assessment ('EIA') and should not have been screened out from requiring an EIA as it was.

ACHIEVING WELL DESIGNED PLACES

- 2.65 It is noted that, whilst saved policies GP.35 and GP.45 AVDLP are relevant, further consideration will be given to design at a later stage in the planning process so we agree with the OR 2019 that neutral weight should be given to this at the current time.

MAKING EFFECTIVE USE OF LAND

- 2.66 Para 10.88, OR 2019 incorrectly interprets NPPF para 122 as *"relating to achieving appropriate densities"* across the development. The OR 2019 then applies weight to the *"effective use of land"* in the planning balance on the basis of this misinterpretation.
- 2.67 NPPF para 122 actually says that in determining whether a development makes efficient use of land, decisions should take into account:
- a) the need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;

- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well designed, attractive and healthy places.

2.68 This objection clearly establishes that the proposed development runs counter to criteria (c) as it does not promote sustainable travel modes that limit future car use. Moreover, the development conflicts with criteria (d) as it is situated on BMV Agricultural Land and will not maintain the area’s prevailing character and setting. Therefore, whether the proposed development will result in the effective use of land must be given significant negative weight in the planning balance, as opposed to the neutral weight given to it in para 10.89, OR 2019 because it contravenes NPPF para 122.

MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING AND COASTAL CHANGE

2.69 Para 10.92, OR 2019 states that *“a satisfactory surface water drainage scheme and its long-term maintenance would form part of the legal agreement. On this basis this matter should be afforded neutral weight in the planning balance.”* This requirement is reiterated in para 10.100, OR 2019.

2.70 As set out in the letter from the Maids Moreton & Foscoate Action Group to the Planning Officer dated 6th June 2020 (available on the planning portal), the draft s106 Agreement published on the planning portal does not cover surface water drainage at all. Whilst this remains the case, this matter must be afforded a negative weight in the planning balance.

CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

2.71 Para 2.5, OR 2019 acknowledges that conserving and enhancing the historic environment should be given a negative weight in the planning balance but it restricts its assessment of the impact of the development on the historic environment to the *visual* impact of the highway works around the mini roundabout at the end of Main Street only.

2.72 Planning Practice Guidance para 013 Ref ID: 18a-013-20190723 says *“Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity”*. The OR fails entirely to assess the other negative impacts on the setting of the Listed buildings in the Conservation Area that will inevitably result from increased traffic using Main Street – namely noise, dust, smell and in particular vibration. In particular, the twelve Grade II Listed buildings on Main Street, and the Grade I Listed church are built on solum and without foundations, so all will be highly vulnerable to vibration from increased traffic flow.

2.73 Saved policy GP.53 AVDLP says *“proposals for development will not be permitted if they cause harm to the character or appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area.”* Whilst Para 10.4, OR 2019 (wrongly) limits the weight that should be afforded to this saved policy on the basis that it does not include the balancing elements set out in the NPPF, it clearly applies to the proposed highway works around the mini roundabout and also in front of the Grade I listed church. There has been no assessment whatsoever of the impact of the proposed highways works in front of the Grade I Listed church.

- 2.74 Policy BE1 VALP says *“where a development proposal is likely to affect a designated heritage asset or its setting negatively, the significance of the heritage asset and the impact of the proposal must be fully assessed and supported in the submission of an application”*. Main Street is part of the Maids Moreton Conservation Area and has twelve Grade II Listed houses. Traffic generated by the development will impact these designated heritage assets, as will the proposed highways works directly in front of the Grade I Listed church.
- 2.75 The effect of the development on the setting of these designated heritage assets has not been assessed. The Archaeological Report simply states *“the Listed buildings are separated and screened from the study site by intervening built development and screening belts of trees. They are not considered in further detail within this report”* (underline added). The impact of the development on these numerous designated buildings within a Conservation Area should have been fully assessed. Without an assessment of each of these buildings and, in particular, the impact of the proposed highways works which have a direct visual impact on the setting of the Grade I Listed church, planning permission would, if granted, breach Policy BE1 VALP.
- 2.76 It also breaches NPPF para 189 which states *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”* The impact of the proposed development on the historic environment must therefore be given significant negative weight in the planning balance.

SUPPORTING HIGH QUALITY COMMUNICATIONS

- 2.77 This is correctly given a neutral weight in the planning balance in para 10.97, OR 2019 in accordance with NPPF para 114.

IMPACT ON EXISTING RESIDENTIAL AMENITY

- 2.78 Para 10.98, OR 2019 acknowledges that according to NPPF 127(f) developments must create a high standard of amenity for existing users. It also acknowledges saved policy GP.8 AVDLP which states that *“permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.”*
- 2.79 Policy BE3, VALP says *“planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents and achieve a satisfactory level of amenity for future residents”*. Para 8.47 VALP says that this includes noise pollution and excessive traffic.
- 2.80 Policy NE4, VALP says in criteria (g) that development proposals must *“not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value.”*
- 2.81 The proposed development will result in long-term loss of access to open countryside for the community, a level of traffic which is excessive for the minor roads which serve the application site, noise pollution from traffic generation within and around the village and loss of valued countryside views.
- 2.82 **Appendix I** clearly illustrates that the overall benefits arising from the proposal in no way outweigh the significant unreasonable harm to the amenity of nearby residents (in accordance with Policy BE3 VALP and saved policy GP.8 AVDLP), so this must be afforded a negative weight in the planning balance.

3. Conclusion

We therefore object to this planning application because it conflicts with a number of statutory development plan policies such that it cannot be considered to be in accordance with the development plan when considered as a whole. It furthermore conflicts with a number of NPPF policies and any such conflict must be given significant negative weight in the planning balance. It also conflicts with a number of emerging plan policies.

Overall, the negative impacts of the scheme clearly outweigh its benefits (see **Appendix I**). In fact, even were the tilted balance to apply in this case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefit, when assessed against the policies in the NPPF taken as a whole.

APPENDIX I

- | | |
|--|-----------------------------|
| 1. Sustainable location: | negative weight |
| 2. Delivering a sufficient supply of homes: | positive weight |
| 3. Building a strong economy: | neutral weight |
| 4. Promoting healthy and safe communities: | neutral weight |
| 5. Promoting sustainable transport: | significant negative weight |
| 6. Conserving and enhancing the natural environment: | |
| - Agriculture & woodland | significant negative weight |
| - Landscape | significant negative weight |
| - Biodiversity | significant negative weight |
| - Pollution | significant negative weight |
| 7. Achieving well designed places: | neutral weight |
| 8. Making effective use of land: | significant negative weight |
| 9. Climate change, flooding and coastal change: | negative weight |
| 10. Conserving and enhancing the historic environment: | significant negative weight |
| 11. Supporting high quality communications: | neutral weight |
| 12. Impact on residential amenity: | negative weight |

APPENDIX II

The Highways and Transportation Review

**prepared by
The Traffic Consultancy
(September 2020)**

Highways and Transportation Review: Proposed Residential Development, Maids Moreton

1. Introduction

The Transportation Consultancy (ttc) have been appointed by Maids Moreton & Foscoote Action Group (MMFAG) to undertake a review of the traffic and transportation submission, prepared by consultants 'Croft Transport Solutions', in support of a planning application (Ref. 16/00151/AOP) for a proposed residential development, comprising 170 dwellings, on land situated to the north-east of Maids Moreton and served from Walnut Drive and Foscoote Road.

This review has considered the content of the following:

- Transport Assessment (February 2017)
- Highways Technical Note (December 2017)
- Highways Technical Note (June 2018)
- Highways Technical Note (January 2019)
- Correspondence issued with the Highway Authority in response to the submission

2. Planning History

The application site is situated to the north-east of the village and is undeveloped agricultural land, primarily utilised as pasture.

The site does not have a recent planning history but is being considered for inclusion within the forthcoming Vale of Aylesbury Local Plan (VALP). The VALP has been in development for a number of years and is proposed to cover a plan period from 2013 to 2033. The VALP Proposed Submission was submitted to the government on the 28th February 2018, together with the representations and supporting evidence.

Examination hearings were held in July 2018 and the Inspector published his Interim Findings in August 2018. The Inspector concluded that the plan could be made sound through modifications.

Following completion of the examination hearings and the publication of the Inspector's Interim Findings, the Council has worked with the Inspector to agree the modifications to the plan that are necessary to make it sound. Those modifications were subject to public consultation, which closed on the 17th December 2019.

In addition, the Inspector has requested the Council responds to a detailed submission from MMFAG, which brings into question the soundness of the allocation of this site in VALP. The MMFAG's submission includes detailed analysis of the HELAA, Settlement Hierarchy and Sustainability Appraisal.

3. Transport Assessment

A full Transport Assessment (TA) was prepared by consultants 'Croft Transport Solutions', with the latest iteration of the report being Version 2, which was submitted on the 6th February 2017.

The review of the submitted TA has been prepared in accordance with the chapter titles of the aforementioned and summarised within **Table 3.1**. Only sections within the TA where commentary is

warranted have been selected. The table includes a ‘RAG’ assessment (Red, Amber, Green) to categorise whether the item raised is contentious or warrants further action, with the following definitions applied:

- **Green** – no technical issues and/or policy compliant
- **Amber** – potential issue, which could warrant further action, but is not a material concern
- **Red** – significant issue that is a material concern

Table 3.1 Review of submitted Transport Assessment

Chapter Title	Subsection	Comment	RAG
3. Existing Conditions	3.3	<p>The TA notes that Main Street provides a varying carriageway width of between 6 metres and 7.9 metres. Notwithstanding the fact that the carriageway narrows below 6 metres at numerous points, no consideration or reference is given to the extensive on-street parking present along Main Street, which narrows the carriageway to single lane running.</p> <p>In spite of this oversight, it is acknowledged that the development is unlikely to distribute much traffic along Main Street, so the lack of due consideration is unlikely to be significant.</p>	Green
5. Proposed Development	5.2	The TA refers to the Council’s car parking guidance from 2002, which has since been updated and should be referred to at reserved matters.	Green
	5.3	<p>The proposed pedestrian access arrangements from Walnut Drive state that footways within the site will link with the existing provision on Walnut Drive, ensuring a continuous walking route to the village, bus stops and local amenities.</p> <p>Both the nearest bus stops to the site and the village hall are on Main Street and the TA has failed to acknowledge the missing section of footway on Main Street, which would link the western side of the site with these facilities.</p>	Amber
	5.3	<p>The TA refers to the provision of a mini-roundabout at the Walnut Drive/Main Street junction, which has been accepted in principle by the highway authority. The suitability of this junction is considered in subsequent submissions.</p> <p>(See Section 4)</p>	Amber
	5.3	<p>The TA makes no reference to the design of the Foscoote Road access. The suitability of this junction and improvements to Foscoote Road is considered in subsequent submissions.</p> <p>(See Section 4)</p>	Amber
	5.5	<p>The TA proposes to modify an existing public right of way (PRoW), referred to as the Akeley Circular Walk, by widening it to 3.0m for use by pedestrians and cyclists. It should be noted that the PRoW in question is designated as a footpath and should only be utilised for walking, running, mobility scooters or powered wheelchairs. To accommodate cyclists, the footpath designation would require modifying to a bridleway, which is subject to a separate legal process. The outcome of this process cannot be guaranteed and as such, the proposed cycle connection is also not guaranteed.</p> <p>It is acknowledged that the Council’s PRoW Officer supports the proposals, which would provide a beneficial link between the site and Main Street. As a result, a substantiated objection to the proposed modification is considered unlikely, but possible.</p>	Amber
6. Accessibility by Non-Car Modes	6.2	<p>The TA sets out the accessibility of the site by foot and references guidance contained within the IHT document ‘Guidelines for Providing for Journeys on Foot’ (2000), which states that ‘a distance of 800 metres is identified as the preferred maximum distance for town centres, whilst a distance of 2 kilometres is defined as a preferred maximum for commuting.’</p> <p>This guidance is supplemented with a statistic from the National Travel Survey (2015), which indicates that 78% of all trips less than a mile (1.6km) are carried out by foot.</p>	Red

Chapter Title	Subsection	Comment	RAG
		<p>The guidance stated is a standard reference and whilst well utilised and nationally recognised, the practicalities of using the preferred maximum walking distances to demonstrate the accessibility of the site is considered to be overly optimistic.</p> <p>Planning for Walking (CIHT, 2015) is an update to IHT (2000) and provides the following guidance on walking distances “Most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of “walkable neighbourhoods”, with a typical catchment of around 800m, or a 10-minute walk” (CIHT, 2015, p.29).</p> <p>The above is considered to be far more reflective, though it should be acknowledged that there are no universal standards.</p> <p>Notwithstanding the above, the facilities available to future residents that are within a 10 minute walking time or circa 800m (based on the content of the TA) include the public house, the church, the community hall and the bus stops on Main Street and Duck Lake.</p> <p>This would suggest that the development could not be considered a ‘walkable neighbourhood’ given the lack of basic services and facilities within walking distance, such as employment opportunities (save the limited provision at the Vitalograph Business Park), a food store, post office, GP surgery, a primary school, regular and reliable public transport connections (see further commentary on the latter in the following sections).</p> <p>If the preferred maximum distances, stipulated by IHT (2000), are considered then the primary school, a GP surgery (The Swan Practice North End Surgery is the nearest to the site) and the M&S foodstore, contained within the BP garage off the A422 would be considered accessible. However, based on a walking speed of 1.4m/s, it would take circa 24 minutes to walk to either the GP surgery or the BP Garage and 24 minutes to return, culminating in a 60 minute round trip (inclusive of a short dwell time). As a result, it is considered highly likely that access to such services and facilities would be made by alternate means and would therefore further reduce the sustainability of the site.</p>	
	<p>6.3</p> <p>The TA makes reference to the generally accepted 5.0km cycling distance as being acceptable, which would encompass Buckingham, Gawcott, Bourton and Radclive. The TA also makes reference to NCR 50, which is situated approximately 2.0km from the site.</p> <p>The TA concludes that the site therefore accessible by bicycle.</p> <p>This conclusion is highly questionable, there are no dedicated cycle facilities along any of the local roads near to the site. It has been established that the proposed cycle access into the site cannot be guaranteed and the topography of the available routes between the site and the centre of Buckingham are not conducive to promoting cycling as a viable mode of travel.</p> <p>These observations are supported by the 2011 census, which shows that only 1% of residents travel to work by bicycle.¹</p> <p>As a result, the site cannot be considered to be accessible by bicycle or likely to promote this mode as a viable alternative to the private car given its location and lack of facilities.</p>		
	<p>6.4</p> <p>The TA notes the location of the nearest bus stops to the site, which are situated on Main Street and Duck Lake. The TA summarises the available services as being the 60, X60 and 80, the former of which provide an hourly service between Aylesbury and Milton Keynes and the latter provides a limited morning and evening peak service.</p> <p>Given the time that has elapsed between this review and the submission of the TA, changes to the available bus services are inevitable.</p> <p>Based on the latest available information, the bus stops on Main Road and Duck Lake are serviced by the 18, 80C, 131, 132, 151.</p> <p>None of the available services offer a regular frequent hourly service, with the majority of the available services operating outside of the typical peak periods at limited times. As a result, use of the available services as an alternative to the private car is highly unlikely.²</p>		

¹ <https://www.nomisweb.co.uk/query/construct/submit.asp?menuopt=201&subcomp=>

² <https://bustimes.org/stops/040000002387>

Chapter Title	Subsection	Comment	RAG
	6.5	<p>The TA notes that Milton Keynes is the nearest railway station to the site, which can be accessed via buses from Buckingham town centre.</p> <p>The TA concludes that the available services provide “opportunities for commuting/leisure opportunities from the site via rail.” This statement is clearly misleading and in no way is the site accessible by rail.</p>	
7. Traffic Impact Analysis	7.3	<p>The TA notes that traffic survey data used to inform the traffic impact assessment has been taken from the Buckingham Traffic Model and that this data would be supplemented with committed development traffic. Assessment years of 2016 and 2021 have been identified.</p> <p>The data used and years considered have been agreed with by BCC and accord with best practice.</p> <p>It is acknowledged that the Buckingham Traffic Model uses data captured in 2011 and at the time of the initial assessment, this data will have been on the threshold of acceptability (typically a 5-year life span). However, the model is a strategic highway assignment model, which offers significant benefits over static data collection and therefore on balance, its use is considered to be reasonable.</p>	
	7.5	<p>The TA states that traffic distribution from the site will be based on the 2011 census, which is a standard and widely accepted approach. The TA has made use of the trip distribution percentages referenced within the TA of a nearby development known as ‘Land East of Buckingham’.</p> <p>The trip distribution percentages indicate that commuters primarily travel to Aylesbury (49.0%), Milton Keynes (19.5%), South Northamptonshire (4.7%) and Cherwell (5.6%).</p> <p>The TA includes distribution routes from the site to these centres, which have been generated using Google Maps. This approach is accepted.</p> <p>In the first instance, the distribution is overly simplistic and wrongly assumes that trips within Aylesbury Vale all travel to Aylesbury. Having reviewed the census data, only 23% of commuters travel between the site and Aylesbury, with 15% travelling to Buckingham and the remaining 11% distributed across the district.</p> <p>As a result, the distribution approach should be subject to further refinement, though it is acknowledged that the proposed distribution has already been accepted by BCC for an approved application and therefore a precedent set and that the majority of Aylesbury Vale is situated to the east and south-east of Buckingham. Therefore the distribution routes may remain largely unchanged.</p> <p>Secondly, the identification of distribution routes should ideally consider prevalent traffic conditions, which can be established by adjusting the arrival times to destinations so that they coincide with the peak hours. The routing shown within the TA does not follow this approach and therefore routing has been determined based on inter-peak conditions, which may not fully reflect route choice for commuters. Though it is acknowledged that route options to the surrounding areas are limited within the local vicinity and therefore the impact of updating the routing on the local highway network may be negligible.</p> <p>Based on the above and on balance, it is considered the selected routing is reasonable.</p>	
	7.6	<p>The TA sets out details of the committed development traffic generation, which utilises a combinations of TRICS and data extracted directly from the TAs submitted in support of two of the developments.</p> <p>This approach is reasonable and accepted best practice.</p>	
	7.7	The derivation of the base flows is reasonable and accepted best practice	
	7.8	The trips rates used are considered appropriate.	
	7.9	The TA notes that the ‘with development’ scenarios consider the 2016 and 2021 assessment years; the former isn’t a requirement and could skew or allow a misinterpretation of the modelling results.	
7.11	The following sets out a brief audit of the modelling work conducted.		

Chapter Title	Subsection	Comment	RAG
		<p><u>Site access model</u> – major road width is incorrect, visibility from the minor road is incorrect, the flows in the AM scenarios have been entered incorrectly, with no through flows and large proportions of right turn movements from the north. In the PM 2021 base, only northbound traffic has been entered.</p> <p><u>Walnut Drive/Main Street</u> – no comment</p> <p><u>Main Street/A413/Towcester Road</u> – the major road width appears to have been measured from the centre of the junction and therefore overestimates the available approach width. This will have a minor impact on capacity.</p> <p><u>College Farm Road/A422 Stratford Road</u> – a blocking queue of 1 PCU has been shown, indicating that a vehicle could safely wait to turn right from the A422 to College Farm Road before a queue occurs'. This is incorrect and overestimates junction capacity, though the impact is likely to be negligible.</p> <p>The traffic data input is also highly misleading. To robustly assess a junction, the 'one hour' profile is typically used and has been used by the consultant for majority of the junctions modelled. This profile allows the modelling software to create a peak within the peak hour, which replicates the changes in the hourly demand profile i.e. traffic flowing through the junction is higher at 17.30 than it is at 17:00 and 18.00. For this junction, the 'one hour' profile has been selected, but a setting within the program that removes the replicated peak has also been selected, which effectively means a flat profile i.e. no peak, has been modelled. This approach is unusual and contrary to best practice and most importantly, skews the modelling outputs to provide more favourable capacity results.</p> <p>Given this approach has only been used with this junction and the A413 Moreton Road/High Street and Bridge Street/Market Street/West Street, the validity of the modelling results is highly questionable and further investigation is warranted.</p> <p><u>A413/Avenue Road/Duck Lane</u> – no comment</p> <p><u>A422 Stratford Road/A413/Page Hill Avenue</u> – no HGV traffic included, which would further reduce junction capacity. Though it is acknowledged that a number of roads within central Buckingham do not permit access by HGVs (except for loading) and therefore the proportion is expected to be low.</p> <p><u>A413 Moreton Road/High Street and Bridge Street/Market Street/West Street</u> – pedestrian crossings are included, but show no users crossing. No HGVs are included within Junction 2. Same issue concerning data entry described above.</p> <p><u>Main Street/Foscote Road/Church Street</u> – major road carriageway width overestimated. This will have a minor impact on capacity.</p>	

Based on the review presented, the following key issues have been identified:

- The sustainability of the site location as a sustainable 'walking neighbourhood' is highly questionable and although the development proposes links to the existing footway network, which in turn provides access to the limited bus services, there are very few services and facilities within Maids Moreton that future residents would require regular access to and as a result, it is highly likely residents will be expected to drive to these facilities, which are predominantly situated within Buckingham. This outcome is also supported in the VALP Sustainability Appraisal, which ranks the site as the least sustainable in comparison to other draft allocations within Maids Moreton.
- The proposed cycle access into the site cannot be guaranteed, there are no dedicated cycle facilities along any of the local roads near to the site and the topography of the route to Buckingham town centre makes cycling an unlikely mode of travel.
- The available bus services are exceptionally poor and do not offer a regular hourly bus service or connectivity to the wider area. The bus service to this site cannot be relied upon as a sustainable alternative to the private car.

- Access by rail is equally poor. Milton Keynes, as the nearest railway station to the site, can only be accessed via bus from Buckingham town centre which, itself, is more than walking distance from the site and the bus connections between the site and Buckingham town centre would not support reasonable access for commuters.
- The junction modelling work is erroneous and inconsistent. It highlights significant congestion issues at key junctions that will be used by the proposed development traffic, namely the A413 Moreton Road/High Street and Bridge Street/Market Street/West Street junctions and the College Farm Road/A422 Stratford Road junction.

4. Consultation Response and Report Iterations

Following the submission of the main TA, several correspondences between the highway authority and ‘Croft Transport Solutions’ have been submitted. The following pertinent documents have been identified:

1. BCC Highways (May 2017)
2. BCC Highways (September 2017)
3. BCC Highways (October 2017)
4. ‘Croft Transport Solutions’ Highways Technical Note (December 2017)
5. BCC Highways (March 2018)
6. ‘Croft Transport Solutions’ Highways Technical Note (June 2018)
7. BCC Highways (November 2018)
8. ‘Croft Transport Solutions’ Highways Technical Note (January 2019)

The following sections sets out a summary of the information submitted.

4.1 BCC Consultation May, September and October 2017

Table 4.1 sets out a summary of the BCC responses issued in May, September and October 2017. The responses have been issued following iterative changes to the design of junctions and modelling work conducted by Croft Transport Solutions and the correspondences make reference to meetings, phone conversations and revised drawings/data formally submitted by the applicant through the planning system.

Where relevant, submitted materials referenced by BCC have also been reviewed to ensure the context of the BCC consultation response is fully appreciated.

Table 4.1 Consultation Response Summary: BCC May, September and October 2017

Date	Headings	Summary	Comment
May	Removal of pedestrian access to Foscoote Road access	BCC refers to proposals by the applicant to remove the footway from Foscoote Road. It has been stipulated by BCC that a footway needs to be provided to ensure the development is sustainable.	It is acknowledged that the final scheme includes the footway and commentary has been provided in subsequent sections.
	Main Street and Walnut Drive mini	BCC confirm that the mini-roundabout proposals accord with the Council’s requirements but request further consideration as what effect the roundabout	Commentary on the most recent design has been provided in subsequent sections.

Date	Headings	Summary	Comment
	roundabout junction	will have on properties to the south-west and on on-street parking within the vicinity of the junction.	
	Junction Assessments	<p>BCC commented on the modelling conducted for three junctions, namely:</p> <ul style="list-style-type: none"> - <u>The Foscoate site access</u>, noting the discrepancy in turning movements and the major road width. - <u>Main Street / Foscoate Road</u>, noting discrepancies in the vehicle movements. - <u>College Farm Road/A422 Stratford Road</u>, noting that the junction is expected to operate over capacity as a result of the development and that the visibility issues, in conjunction with the queueing issues identified as a result of the development, mean that the impacts at this junction are unacceptable. 	The items raised are consistent with our independent review, though some issues were not picked up by BCC, particularly the modelling approach at the A413 Moreton Road/High Street and Bridge Street/Market Street/West Street junctions and the College Farm Road/A422 Stratford Road junction.
September	Stratford Road (A422)/College Farm Road junction	<p>BCC states the following:</p> <p>The information submitted by the applicant demonstrates that the junction of College Farm Road with the A422 Stratford Road will operate over capacity as a direct result of the proposed development. The applicant has also failed to demonstrate that adequate visibility is available. From the information provided, the development is considered to have a severe impact on the operation and safety of the junction. The development is contrary to the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 4.</p>	The capacity issue at the junction is considered in detail over the course of the correspondence between BCC and the applicant.
	Main Street/Walnut Drive (Proposed Mini-Roundabout)	<p>BCC states the following:</p> <p>The applicant has not proposed parking restrictions in the vicinity of the mini-roundabout junction of Walnut Drive with Main Street. On-street parking in the vicinity of this roundabout will have an unacceptable impact on the operation of the junction to the detriment of highway safety and convenience. The applicant has also failed to address concerns relating to the location of the south eastern approach give-way line. The proposed works are contrary to the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 4.</p>	Commentary on the most recent design has been provided in subsequent sections.
	Foscoate Road Footway and Carriageway proposals	<p>BCC states the following:</p> <p>The information submitted by the applicant fails to demonstrate that the proposed footway link along Foscoate Road can be accommodated alongside the proposed carriageway works. The proposed development therefore fails to make adequate provision to allow accessibility to the site by non-car modes of travel, contrary to sustainable policies as set out in the National Planning Policy Framework and the aims of Buckinghamshire's Local Transport Plan 4.</p> <p>The specific issues in regard to the Foscoate Road footway and carriageway proposals, were swept path analysis issues at the access opposite the new section of footway, where the carriageway narrows, swept path analysis for the refuse collection vehicle and the potential for on-street parking.</p>	Commentary on the most recent design has been provided in subsequent sections.

Date	Headings	Summary	Comment
October	College Farm Road/Stratford Road junction	<p>BCC notes that the visibility issues at the junction have now been satisfactorily addressed by the applicant.</p> <p>BCC notes that the applicant has conducted capacity testing at the junction for the existing situation, having already considered a signal control option (discounted by BCC) and a right turn lane, which could not achieve visibility requirements.</p> <p>BCC sets out commentary on the history of the assessments carried out at the junction and includes reference to the 2021 capacity results, which show the junction to be operating well above capacity for the 100% use of the Foscoote Road access (primary assessment) and above capacity for the 60/40 Split between Walnut Drive (60%) & Foscoote Road (40%) (Sensitivity Test).</p> <p>Notwithstanding the capacity issues, BCC also notes that the 'without development' 2021 assessment for the primary and sensitivity scenarios are different and request the applicant to explain why there is a difference.</p>	<p>Commentary has been provided in subsequent sections.</p>
	Main Street/Walnut Drive junction (mini roundabout)	<p>BCC reiterates that their main concerns with the mini-roundabout centred on the potential for on-street parking to occur around the junction and also the proposed give-way line on the south eastern approach to the junction conflicting with the access to the parking area labelled as Duck Lake on the plan, has been resolved.</p>	<p>Notwithstanding BCCs views, it is considered that the impact of the mini roundabout on the properties situated immediately opposite Walnut Road have not been considered. Vehicles accessing these properties would most likely drive in forwards and would therefore be required to reverse out into the circulatory, with limited visibility. This manoeuvre should at least be considered to determine whether it would have any impact on vehicles waiting at entries to the junction.</p> <p>In addition to the above, it should be noted that the entry width from the Main Street (West) arm exceeds the maximum entry width prescribed in DMRB CD 116. This should be reduced to 4.0m from 4.5m.</p> <p>The minimum visibility distance to the right should be based on 3 second gap acceptance standards, since the distance between the giveaway markings and the centre of the circle exceeds 7.0m.</p> <p>Visibility splays are shown encroaching third-party land and cannot therefore not be secured.</p>
	Foscoote Road Footway and Carriageway proposals	<p>BCC states that their concerns regarding the swept path analysis from the dwelling opposite the new section of footway, where the carriageway narrows has been addressed.</p> <p>Revised refuse collection swept path analysis has also been provided and addresses another of the outstanding comments raised.</p> <p>The issue of on-street parking has also been addressed by proposals to introduce double yellow lines.</p> <p>BCC considers the proposals acceptable.</p>	<p>Notwithstanding BCCs views, the swept path analysis from the dwelling opposite the new section of footway shows the vehicle having to be within centimetres of the footway kerbline in order to turn into the access and in doing so, the vehicle body is still highly likely to conflict with the neighbouring walls. This is not considered to be acceptable and may lead to the vehicle mounting the footway in order to gain access to the driveway without damaging the vehicle body.</p> <p>In addition, no consideration has been afforded to the actual deliverability of the footway given its proximity to the neighbouring properties and the level differences between the bottom and top of the existing embankment. In places the space</p>

Date	Headings	Summary	Comment
			between the back of the proposed footway and neighbouring property is 0.15m (scaled from the plans submitted). This space would be insufficient to either regrade the existing embankment or accommodate a retaining structure, without affecting or requiring purchase/access to third party land.

Based on the above, the following key issues have been identified:

- BCC has not acknowledged the poor location of the site in terms of sustainability and accessibility.
- BCC acknowledges the issues with the modelling at the College Farm Road/A422 junction, though issues concerning the modelling approach identified within the review of the TA have not been referenced. It is considered that this issue is highly significant and requires detailed consideration.
- BCC has accepted the Main Street/Walnut Drive junction, but there still appears to be outstanding issues, which include the visibility to the right from Walnut Drive, which encroaches third party land and the impact of the junction on the properties situated opposite Walnut Drive.
- BCC has focussed on the operation of the proposed improvements to Foscoote Road but has not queried whether they are deliverable within highway land, without impact on third-party land. Whilst it is acknowledged that this is an outline application, BCC has made it clear during consultation that a footway connection along Foscoote Road is essential and as such, further supporting evidence guaranteeing the deliverability of the footway improvements should be submitted, given the potential implications on third party land.

4.2 'Croft Transport Solutions' Highways Technical Note (December 2017)

The following sets out a summary of the first formal report submitted by Croft Transport Solutions in response to issues raised by BCC in earlier correspondence.

Table 4.2 Highways Technical Note (December 2017)

Headings	Summary	Comment
2. Matters to be Addressed	<p>Croft Transport Solutions set out their justification for the differences in the modelling results referenced by BCC in their October 2017 correspondence, citing refinement in the committed development flows and distribution as a key reason for the differences.</p> <p>Croft Transport Solutions state that the modelling results in the revised TA (February 2017) are now correct.</p> <p>Croft Transport Solutions also set out the shortcomings of the modelling software noting that the capacity results, expressed as an RFC value (Ratio of Flow to Capacity) is misleading when the junction exceeds a capacity value of 1.00.</p>	<p>With reference to Item 7.11 within Table 3.1 of this Technical Note, it has been identified that the modelling approach is contrary to best practice and the approach taken by Croft for the majority of the other junction assessments, without any justification.</p> <p>Croft Transport Solutions state that the junction, even with 100% of traffic exiting onto Foscoote Road does not exceed an RFC value of 1.00 and that queuing for the 'with development' assessment in the 2021 AM peak would be 18 vehicles and not 43.</p> <p>In the interests of establishing the impact of the approach taken by Croft Transport Solutions, 'ttc' has re-created the model using the geometric parameters cited within the February 2017 TA and</p>

Headings	Summary	Comment
		<p>have selected a 'one hour' profile. The results show an RFC value of 1.31 and a max queue of 35 vehicles. Conversely, the same model for the 2021 AM peak, without development, shows an RFC value of 0.98 and a max queue of 9 vehicles.</p> <p>As a result, it is considered that the Croft Transport Solutions conclusion concerning severity cannot be substantiated.</p>
3. Proposed Mitigation	<p><u>Stratford Road/College Farm Road junction</u> Croft Transport Solutions propose signal control at the junction and a reduction in the speed limit to 50mph.</p>	<p>Later correspondence concerning this option confirm that it is not supported by BCC and therefore no further consideration has been given.</p>

4.3 BCC Consultation (March 2018)

The following sets out a summary of the subsequent BCC consultation response issued in March 2018.

Table 4.3 BCC Consultation (March 2018)

Headings	Summary	Comment
College Farm Road/Stratford Road junction	<p>BCC provides further commentary on the modelling scenarios and the highway consultants misinterpretation of the Council's requirements. BCC reiterates the modelling results from the February 2017 TA stating that the impact is severe.</p> <p>BCC questions the suitability of the testing and refers to an internal Council review of the likely traffic distribution based on the census data included within the TA. BCC concludes that circa 75% of traffic could exit from the site via the Foscoate Road access and requests that the applicant consider this scenario.</p> <p>In addition, BCC raises concerns regarding a statement made by Croft concerning the validity of the model and requests that Croft obtain up to date traffic data to allow the model to be validated.</p>	<p>BCC has referred to the modelling results in the February 2017 TA, noting that they show a severe impact. With reference to our comments outlined within Table 4.2, it has been demonstrated that the actual impacts are far more severe than reported.</p>
Proposed signalisation of the College Farm Road/A422 Stratford Road junction	<p>BCC sets out its internal review of the signal option and concludes that <i>'the junction form will lead to unjustified and unnecessary delays to traffic on the strategic corridor. The junction form is not therefore considered suitable for the traffic demands and would unnecessarily lead to safety and convenience issues to users of the strategic highway network.'</i></p>	<p>No comment</p>
Proposed Mini Roundabout Junction at Walnut Drive	<p>BCC sets out its internal review of the mini-roundabout options and concludes that its deliverability is highly questionable and that several issues raised within the Stage Road Safety Audit remain unanswered. BCC therefore requests that a detailed design be submitted in support of the application.</p>	<p>This response is contrary to the earlier correspondence but has led to a refined design being requested by BCC. Further consideration of which is given in subsequent sections.</p>

4.4 'Croft Transport Solutions' Highways Technical Note (June 2018)

The following sets out a summary of the second formal report submitted by Croft Transport Solutions in response to issues raised by BCC in earlier correspondence.

Table 4.4 Highways Technical Note (June 2018)

Headings	Summary	Comment
2. Proposed Mini-Roundabout Junction at Main Street/Walnut Drive	Croft Transport Solutions has prepared a revised design on topographical survey data, justified the visibility provision and revised the proposed signage locations in accordance with DMRB.	The issues referenced by 'ttc' within Table 4.1 remain relevant.
3. A422 Stratford Road/College Farm Road Junction	Croft Transport Solutions has set out the revised modelling results for the junction, which has now been validated against updated flows. The results indicate the junction is expected to operate well above capacity in the AM peak and just within capacity in the PM peak for the 2021 assessment year.	The results presented are irregular and don't correspond with previous modelling results that utilise similar flows. 'ttc' has been unable to recreate the model output, but it would seem apparent that the junction capacity would be lower than stated, though still over capacity.
Comments on Modelled Flows	Croft Transport Solutions present text supporting the robustness of the modelling, particularly in relation to the growth factors used.	No comment
Proposed Minor Improvement Works	Croft Transport Solutions present details of a proposed right turn lane, which offers no capacity benefits, but does provide shelter for right turning traffic.	Further comments on this are provided within Table 4.5.

4.5 BCC Consultation (November 2018)

The following sets out a summary of the final BCC consultation response issued in November 2018.

Table 4.5 BCC Consultation (November 2018)

Headings	Summary	Comment
Proposed Mini Roundabout at Walnut Drive	BBC review the updates made by Croft Transport Solutions and confirm acceptance of the junction design.	The issues referenced by 'ttc' within Table 4.1 remain relevant.
College Farm Road/Stratford Road junction	<p>BCC has considered the junction modelling in further detail and has set out the actual increase in traffic on College Farm Road as a result of the proposed development. BCC acknowledge that the junction is operating over capacity and that the development would exacerbate this issue. However, BCC questions whether improvements to the junction to mitigate the impact is the best option, since this may increase the attractiveness of the route.</p> <p>BCC now approves measures to deter development traffic from using the route, which include narrowing College Farm Road at the junction with Church Close, a localised narrowing adjacent to the junction with Church Close, along with a gateway feature with additional road markings where the 30mph speed limit begins.</p> <p>The applicant would also carry out lining and signing works on the A422 Stratford Road, which would include the installation of advanced junction warning signs and red carriageway surfacing for a length of 215m on each approach to the junction.</p> <p>To determine whether these measures have been effective, the applicant will also adopt a monitor and manage strategy for a one-year period after the full occupation of the development. This strategy will review conditions at the junction of College Farm Road with the A422 Stratford Road to determine whether</p>	<p>The proposals outlined by BCC and agreed with the applicant are the culmination of extensive testing and mitigation, which has effectively resulted in BCC concluding that safe and appropriate junction improvements cannot be made that would satisfactorily mitigate the impact of the development.</p> <p>BCC has until now insisted that a large proportion of development traffic will make use of College Farm Road during the peak hours and the impact of the traffic would be severe. College Farm Road is the most direct route to the A422 from the site, with the alternatives being Foscoote Road to the north of the site, which has not been considered within the assessment, or Moreton Road, via the town centre. Given the majority of commuter traffic is expected to head towards the east and south-east, the former is narrow, convoluted and indirect unless used as a rat run through Foscoote, and the latter is heavily congested, which has been established as part of the applicants traffic modelling work.</p>

Headings	Summary	Comment
	<p>conditions at the junction deteriorate significantly over that period. This strategy will involve the use of ANPR cameras which will be able to determine whether vehicles using College Farm Road are associated with the development or not. This information can then be used to determine whether the development traffic is having a severe impact on conditions at the junction and determine whether any further mitigation is needed as a result of the development.</p> <p>This mitigation has already been determined and would comprise the inclusion of a second approach lane, affording a short-dedicated left and right turn lane from College Farm Road. Funding for these improvements would be secured through S106.</p> <p>BCC notes that if the traffic calming features successfully deter traffic from using College Farm Road then traffic would likely redistribute towards the centre of Buckingham and BCC would then draw on the S106 funds to support the delivery of the Buckingham Transport Strategy. If the traffic calming works are ineffective then the proposed two-lane approach would be implemented.</p>	<p>As a result of the above, the proposed approach is most likely to conclude that the short two-lane approach on College Farm Road is required. 'ttc' has reviewed the operational effect of the mitigation and has concluded that it offers little benefit in terms of capacity and would not satisfactorily mitigate the impacts of the development.</p> <p>Notwithstanding the above, if the traffic calming scheme did successfully deter development traffic from using College Farm Road, then the BCC solution is to use the funds secured for the College Farm Road improvements to support the Buckingham Transport Strategy.</p> <p>In the first instance, the funds raised are not expected to be substantial given the scale of the proposed improvements on College Farm Road and therefore the benefits in comparison to the impact are likely to be minor. Secondly, the Buckingham Transport Strategy is focussed on reducing traffic within the town centre to address the congestion issues, which contradicts the approach being taken in regard to this application which could see an increase as a result of the traffic calming on College Farm Road.</p> <p>As a result of the above, it is considered the approach being taken is flawed and does not satisfactorily overcome BCCs initial concern that the impact of the development on crucial local junctions would be severe.</p>
<p>Moreton Road junction with the High Street (Old Gaol)</p>	<p>BCC has acknowledged concerns from Cllr Whyte regarding the impacts of the development on the Old Gaol junction and have stated that the following measures will be implemented to mitigate the impacts of the development:</p> <ol style="list-style-type: none"> 1. Lane markings along Moreton Road at the approach to the existing mini roundabout at the 'Old Gaol' junction to identify two separate approach lanes. All lines and signs are to be in accordance with the Department for Transport's current 'Traffic Signs Regulations and General Direction'. 2. A pedestrian refuge on Moreton Road within the vicinity of the roundabout, to provide safe crossing facilities to town centre services. 3. Keep Clear markings across the junction of the public car park on Stratford Road, to assist the bus exiting the High Street and facilitate movements on the network. <p>The above will be funded by the applicant in addition to the contribution towards the Buckingham Transport Strategy.</p>	<p>No evidence has been submitted to support the assertion that the proposed measures will mitigate the impact. Only item 1 offers any improvements to junction capacity, whilst items 2 and 3 focus on improved permeability for pedestrians and buses.</p>
<p>Speeds on Towcester Road</p>	<p>BCC acknowledges the local perception of high speeds along Towcester Road and Duck Lane. These roads will be used by the development traffic and therefore the applicant has agreed to introduce traffic calming along this section of road.</p>	<p>No comment.</p>
<p>Crossing on the A422 Stratford Road</p>	<p>Cycleway improvements are currently underway that will link the Buckingham School to the A422 at the junction with Lower Wharf to the east of the football club. This is a school that children from the proposed development are likely to need to access. In order to provide an attractive and convenient link to the cycleway, to</p>	<p>It is difficult to see how this crossing would benefit the site.</p>

Headings	Summary	Comment
	encourage cycling, consistent with the aims of the NPPF, it has been agreed with the applicant that a crossing point on the A422 is required as part of the off-site highway works associated with this development.	

Based on the above, the following key issues have been identified:

- The proposed approach being taken at the College Farm Road/A422 Stratford Road junction is considered highly irregular and clearly indicates that safe and appropriate junction improvements cannot be made that would satisfactorily mitigate the impact of the development, which up until this correspondence was issued, BCC considered to be severe.
- BCC has approved measures to deter development traffic using this route (to include narrowing College Farm Road at its junction with Church Close). This approach does not mitigate against the traffic increase, but simply encourages it to divert along alternative routes, namely Moreton Road through Buckingham or along Focote Road/Foscote Lane. The former is already heavily congested during peak times, and the impact would therefore be significant, and the latter is unsuitable and has not been assessed.
- The outcome of this that a limited amount of funding will be made available to deliver the Buckingham Transport Strategy, though it is not clear what schemes this money will contribute towards that would either directly or indirectly benefit the proposed development and/or mitigate its impact in some way.
- Improvements are being proposed at the Old Gaol junction, but the benefits of these have not been quantified or justified, given the Moreton Road arm has a lower RFC than the other junction arms.
- A new crossing is being proposed on the A422 that is being funded by the applicant. The benefit of this crossing to future occupants of the site is unclear.
- The funded improvements set out in the final correspondence from BCC, whilst commendable, appear largely superficial and do not directly address the sustainability of the site or its impact on local junctions.

4.6 'Croft Transport Solutions' Highways Technical Note (January 2019)

This Technical Note was drafted in response to concerns raised by Maids Moreton Parish Council (MMPC) regarding the suitability of the traffic flow data used in the modelling work. To address the concerns raised, Croft Transport Solutions updated the following junction models with the data collected by MMPC to determine whether the revised data has a material impact in 2021 with the development traffic:

- Main Street/Foscote Road/Church Street;
- A413 Moreton Road/Avenue Road/A413 Duck Lake;
- Main Street/A413 Towcester Road; and
- Walnut Drive/Main Street (new roundabout).

The Technical Note concludes that the junctions will continue to operate within capacity.

'ttc' has reviewed the modelling results and given the level of available capacity at the junctions modelled, it is considered that differences in the data used is unlikely to have a material impact on the operation of these local junctions.

5. Summary

In summary:

- The site is not sustainable making its suitability for development highly questionable. Daily access to services and facilities is predominantly dependent on use of the car. There is no hourly bus service, no regular facilities or services in reasonable walking distance, no rail link and limited suitability for cycle usage. This outcome is supported in the Technical Annex to the VALP Sustainability Appraisal, which ranks the site as the least sustainable in comparison to other potential allocations within Maids Moreton.
- The modelling work conducted in support of the application has been shown to be erroneous and in part, misleading in its approach. The fact remains that the development will generate traffic, which will make use of the College Farm Road/A422 junction as this is the most convenient link from the site to areas likely to be accessed by commuters. Every permutation of the modelling has shown there to be capacity issues at this junction, which BCC has consistently referred to as 'severe' and none of the mitigation identified has been accepted by BCC. The final agreed scheme does not address the issue.
- BCC have approved measures to deter development traffic from using this route (to include narrowing College Farm Road at its junction with Church Close), which simply encourages it to divert along alternative routes, namely Moreton Road through Buckingham or along Fosote Road/Foscote Lane. The former is already heavily congested during peak times, and the impact would therefore be significant, and the latter is unsuitable and has not been assessed.
- In two locations, deliverability of the proposals encroaches third party land - firstly the visibility splays at the junction from Walnut Drive, and secondly the footway proposals on Fosote Road. BCC has made it clear during consultation that both these are essential but, on the proposed plans, neither are deliverable.
- To redress these issues, the applicant has agreed to fund several local schemes, but funding local schemes does not address the sustainability of the site, capacity issues or deliverability of the scheme.

Issued by



James McGavin

Approved by



George Bailes

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APPENDIX III

**Expert Evaluation of the Ecological Assessment,
the Ecological Enhancement Plan and Biodiversity Offset Calculator**

**prepared by
Prof. Tim Shreeve
(January 2020)**

Background

I was asked by The Maids Moreton and Foscoote Action Group to provide an expert opinion on the ecological aspects of the planning application 16/00151/AOP. This opinion comprises an evaluation of the Ecological Assessment of 2015 (Lockhart Garratt), the Ecological Enhancement Plan and Biodiversity Offset Calculator 2016 (Scarborough Nixon Associates Ltd.) and the responses of the Biodiversity team of AVDC to these. I have prepared this report using the initial ecological assessment, the mitigation proposals, the biodiversity metrics provided, the site plans provided by the developer and the comments of Natural England. All specific documents referred to are available on the AVDC planning portal. I have also conducted a brief walk through the site on 13 December 2019. This was solely to familiarise myself with the site, as the time of the visit was not suitable for a detailed assessment.

I am employed by Oxford Brookes University as Professor of Conservation Ecology with more than 25 years' experience of teaching and conducting standard ecological survey and reporting and Phase 1 survey techniques (including Extended Phase 1 Surveys), hedgerow surveying methods and the reporting of the outputs of these. I have also conducted extensive invertebrate surveys and site quality assessments under contract to Natural England. I am a Member of CIEEM.

Professor T G Shreeve

19 January 2020

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Summary

The Ecological Assessment does not fully conform to the standards expected for a report that is described as being conducted in accordance with the guidelines of the Chartered Institute of Ecology and Environmental Management. Briefly, insufficient detail is given in the report and there is inadequate site surveying in the light of pre-existing information helped by the Local Environmental Records Centre to fully evaluate the site. There are potential problems with the classifying of some habitats and the conclusions on the status of two of the identified hedgerows has resulted in S41 habitats not being recognised.

A submitted Ecological Enhancement Plan, supported by Biodiversity Impact Calculations purports to demonstrate that the enhancements will provide Biodiversity gain. This cannot be demonstrated, primarily because the data put into the Biodiversity Impact Calculator are incorrect for the Linear Biodiversity impacts, with the expectation that new hedges will comprise hedges with trees after 15 years. Such an expectation does not equate with reality; thus, new plantings are given an inflated biodiversity value. There is confusion in the report over which hedges will be replaced/removed or enhanced and two logical scenarios from the supplied information (best and worst cases) demonstrate net biodiversity loss. No non-linear estimation of biodiversity gain can be calculated as the areas of existing and created habitats given do not permit the planned 170 houses and the associated roads and hardstanding to be fitted into the site, unless they can all be fit into 0.22ha.

The developer's Master Plan of the site layout and the layout of the Enhancement Plan are incompatible. Under the developer's plan much of the new habitat in the Enhancement plan does not exist and linear features are effectively lost. It is thus impossible to be confident that the effects of this development on biodiversity value can be determined.

AVDC ecological comments do not consider the major deficiencies of the Ecological Assessment, and their assessment of the Ecological Enhancement Plan and Biodiversity Impact Calculations clearly indicates that neither has been read because it is impossible to determine that there will be a net ecological gain as required by the NPPF, though it is stated that they are confident that it does.

Comments on the Ecological Assessment of 2015

The report is designed to follow an Extended Phase 1 methodology, conforming to the IEEEM guidelines of 2012 (these were updated in 2017). This comprises a desk study to determine habitat and species information within a 2 km radius of the development site, a Phase 1 habitat survey of the site itself and a walk-through survey conducted on 28 August 2015.

Background information was obtained from the Buckinghamshire and Milton Keynes Environmental Records Centre (LERC) about designated sites within 2km of the development site and information on S41 and priority species obtained. The recommendations of CIEEM are that information from sources additional to those of a LERC should also be used in the desktop study.

The designated sites are correctly identified in the report but there are discrepancies between the information on the species provided in the report and that supplied by the LERC. Some species with legislation/conservation designations in the information provided by the LERC are omitted from the main report pages 12-14. Likewise, the relevant information on the species present on the nearest Biological Notification Sites: BNS 73C05, BNS 73C10, and local wildlife site: LWS 73D1, supplied by the LERC are not all included. The purpose of listing such species in an Environmental Assessment is to indicate to consultees what might be on a site and also to indicate to the ecological consultants that such species with designations should be targeted for their presence and/or additional surveys in the actual site assessment. This includes the plants listed by the LRC and those birds (*e.g.* Dunnock, Tree sparrow, Yellowhammer, Brambling) that would be expected in the hedgerows of the site. This has not been done. Furthermore, because of the likelihood of some designated birds breeding in the hedges of the site the timing of the field survey was inappropriate. Guidance indicates that breeding bird surveys should be conducted from April to mid-July, not as late as the end of September.

The Phase 1 survey (description of habitat sites on the site) was conducted on 28 August 2015. The site has changed since then, with agreement by Natural England to convert most of the semi-improved grassland to arable. Likewise, at the time of my visit the improved grassland over most of the site had been converted to arable, with the exception of the area to the north east of hedgerow H1 extending to the boundary of the development site. Whilst this could not be anticipated at the time of the survey, the area marked as plantation with semi-improved grassland through which the footpath from Main Street extends could never have included semi-improved grassland at the time of the survey. It is currently a mix of ruderal vegetation with some woodland ground flora. It will have not reverted to this in the 4 years since the site survey. The area described in the survey as dense scrub at the northwest of the site is better described as an overgrown hedge. It is a hedgerow as defined in the Hedgerow Survey Handbook. It extends to the edge of the site and continuous as a high-quality hedge beyond the boundary of the site in a north easterly direction. This contains 4 named woody species, with evidence of an internal ditch and extends for c.125m within the site. In view of the mis-identification of some of the features there are some doubts over the accuracy of the initial Phase 1 survey.

The plantation woodland through which the public footpath from Main Street extends (to the north western boundary of the site) contains standing and fallen dead wood with rot holes and obvious insect emergence holes. Live trees also have dead parts with insect emergence holes. This has not been picked up in the survey and from my expert opinion should have warranted an invertebrate survey.

Accompanying the phase 1 survey is a hedgerow assessment, described as following the Hedgerow Assessment Guidelines. However, the information in the text (pp16 -17) of the report does not agree

with the information provided in the tabulated survey results of 30m sections (p30). Additionally, the woody species recorded/named for the hedgerow assessment (p30) does not always agree with the number of woody species presented per section and has led to 'important' hedgerows being misclassified. The hedge, identified as scrub in the body of the report also needs to be included here as it will affect the biodiversity metrics. 'Important' hedgerows are S41 habitats under the Hedgerow Regulations 1997 and alteration and removal of S41 habitats needs to be fully justified (and compensated where necessary) within any planning application. This justification is not presented.

A problem of surveying the ground flora of hedgerows in late September is that many of the Schedule 2 plants associated with hedgerows on agricultural land are not evident in September. Thus 'associated features' which comprise part of the assessment of the value and importance of hedgerows cannot be included in the assessment.

There is one hedgerow that is classified as scrub.

The hedge described as scrub in the report is documented as having 4 woody species and 2 associated features; gaps <10% between standard trees; and, because it is next to a footpath, it meets the criteria of being an 'important' hedge and is thus a Schedule 41 hedgerow as described in 8(a) (b) of the Hedgerow Regulations 1997. This hedge (within the development site) runs parallel to the public footpath which runs from Main Street in the western part of the site.

Hedgerow 1 is not described as important - this is correct, given the number of woody species

Hedgerow 2 is described as protected and is thus a Schedule 41 habitat.

Hedgerow 3 is adjacent to a footpath and thus qualifies as an important hedgerow (Schedule 41)

Hedgerow 4 is correctly described as protected and is thus a Schedule 41 habitat.

The walk-through assessment detailing species in the report is perfunctory at the best. Apart from naming a few trees and hedgerow plants, the general vegetation descriptions are scant, even from my visit in December it was obvious that there were more herbaceous species than recorded. The recording of invertebrates is not informative for a proper assessment- noting that 'a good level of insect activity was recorded' (section 3.26) in one location is not appropriate for an assessment of a site. It is also astonishing that only 5 species of bird were recorded. In my opinion this indicates that bird species were not looked for, despite the information available from nearby sites. Despite the recognition that there is potential for bats to be roosting on the site, as well as foraging on the site, no bat survey was undertaken.

Throughout the report no areas of particular habitats are given. This is required within an Ecological Assessment and should serve as the basis for any Biodiversity metric calculations.

Overall it is my opinion that the Extended Phase 1 survey is not adequate to assess the ecological value of the site or to provide the correct information needed to apply biodiversity metrics to demonstrate that the proposed mitigation measures will provide either no net loss of biodiversity or represent a biodiversity gain.

Comments on the Ecological Enhancement Plan and Biodiversity Offset Calculations

The Ecological Enhancement Plan was prepared in 2016, using information provided in the Ecological assessment of 2015. Between these dates the semi-improved grassland and almost all of the improved grassland on the site was removed. The Soil Assessment report documents this change.

The proposed enhancement scheme describes planting 690m of new hedge, gap filling in retained hedges, planting of new woodland, enhancement of plantation woodland, creation of a pond and planting of species rich grassland, along with provisions for nesting birds and bats. The locations of the new or enhanced habitats are indicated in the Enhancement Plan.

There is a conflict between the area descriptions of what is within the site and with what is planned. The biodiversity metrics provided are used to indicate that the Mitigation Plan will enhance the biodiversity value of the site. However, these calculations are incorrect and no increase in biodiversity value can be demonstrated.

Two recalculations of the metrics using the Biodiversity Impact calculator used in evaluating the enhancement (from Warwickshire Council) are based on the following assumptions and are provided here for linear features only (Hedgerow numbers and lengths are as in the Ecological Assessment):

Linear features:

1. The area marked as scrub is in fact a hedgerow of c.125 metres length. This is to be converted to woodland
2. Hedgerow 1 (152m) is enhanced
3. Hedgerow 2 (232m) is described as retained but Figure 1 indicates it is to be converted to new plantation woodland and bordered by a new hedge
4. Hedgerow 3 (142m) is lost (as per the enhancement plan) as it is subsumed into planted woodland
5. Hedgerow 4 (110m) is retained
6. From Figure 1 it is difficult to determine how the new hedgerow planting (if Hedgerow 2 is retained) equates to 690m of new planting.

In all calculations of linear biodiversity value, the total length of hedgerow, taken from the information in the Ecological Assessment **and** including that which is labelled as scrub is 0.76 km, not 0.79km, as put into the calculator. It is also assumed in the submitted calculations that 15 years after planting a new hedgerow will have the same quality score as a mature hedge with trees. It is more realistic to give it a moderate condition score after this time period.

For new biodiversity value calculation 1: The new planting indicated is c. 300m on the plan, but some of this is unlikely to function as a hedgerow as it will form the frontage of some properties, however for the calculations of biodiversity value of linear features according to the Enhancement Plan new planting is kept at 300m. Additionally Hedgerow 2 is assumed to be retained and not converted to plantation woodland.

For biodiversity calculation 2: New planting is assumed to be 532m, by assuming hedgerow 2 is replaced with plantation woodland and a new adjacent hedge is included.

The calculations are as follows:

A) The current linear biodiversity value is 11.4, not 11.85

In the submitted calculations it is assumed that there is 15-year time window for linear features to establish and that the new planting will be hedgerow with trees. A hedgerow with trees cannot be established in that time as no growth will attain the size requirements to be classified as a tree in that time. Here it is therefore assumed that after 15 years newly created hedges will be linear hedgerows with a lower quality score (*i.e.* a condition value of distinctiveness x condition = 12, not 15) than used in the submitted document.

Under calculation 1

B) the biodiversity value of lost hedgerow is 4.01

C) the value of retained hedgerow is 7.35

D) the value of new hedgerow (300m) is 3.6

Thus, the linear biodiversity value after development will be 10.99 (A-B+D) – representing a c.10% loss of linear biodiversity value.

Under calculation 2

B) value of lost hedgerow = 7.48

C) value of retained hedges = 3.93

D) value of new hedges (532m) = 6.36

Thus, the linear biodiversity value after development and according the Mitigation Plan (Figure 1) is 10.28 representing slightly more than a 10% loss of linear biodiversity value.

For the non-linear habitats a total area of 8.82ha existing is given but how the breakdown of that figure is derived is not explained; 8.60ha of habitat is described as being created and 0.14ha is being enhanced. The 8.82ha covers the whole of the development site. Further comment on the non-linear biodiversity calculations is not warranted as a development of c.170 houses and associated roads and hard standing cannot possibly fit into a 0.22ha footprint, even when there are some small agricultural buildings on the site. A recalculation using appropriate areas is needed to determine any biodiversity gain or loss from this development.

There are also inconsistencies between the Enhancement Plan and the two different Landscape Plans submitted by the developer. The Enhancement Plan shows a considerable area of semi-natural grassland whilst on the Landscape Plans most of this is replaced with tree planting. With this inconsistency it is impossible to evaluate what habitats are exactly going to be created where, making any biodiversity calculations that do not make reference to an actual decided site plan impossible to determine.

If the developer's plan is that which is going to be implemented then much further loss of linear biodiversity will occur than calculated. The Minor Amended Illustrative Landscape Master Plan appears to indicate that there are no new hedge plantings and all existing hedges have been converted to either strips of woodland or are subsumed under new woodland planting. Hedgerows and woodland are not ecological equivalents and comprise different flora and fauna and have different biodiversity values. The Ecological Enhancement Plan has a large focus on catering for pollinating insects, the developer's plans completely negate this.

Overall the information provided does not demonstrate that there will be no loss of biodiversity primarily because the information is inaccurate, inconsistent or confused.

There are points in the Enhancement Plan which warrant further detail to know exactly what is planned. The comments on lighting are vague, but lighting has significant effects on vertebrates and invertebrates. Detail is needed to understand what lighting impacts there might be and precisely where. A few bat and bird artificial nests are planned for, but the rationale behind the very limited provisioning and locations of these is not provided.

Overall, the bulk of the submitted Enhancement document is not about this site – over 70% is downloaded website information, with some parts completely irrelevant. Much of the described Enhancements could apply to anywhere and there is no real specific referencing to the site itself not to the spatial context of the site.

Comments on the responses of AVDC to the Ecological Assessment, Biodiversity Offset calculations and Ecological Enhancement Scheme.

There are two consultee comments from the ecologist at AVDC on these proposals.

The first, appropriately, asks for biodiversity calculations and concrete proposals rather than a wish list of vague suggestions for mitigation/enhancement provided in the Ecological Assessment report.

This first response does not indicate that the report was read in any detail

I am surprised that the initial response did not ask for extra information to be supplied about the site in relation to the virtual absence of plant information, inadequate assessments for bats given the number of species known to be in the neighbourhood and nothing about a further assessment for birds, which the desk study has revealed may be of importance on the site. Equally surprising, the complete lack of information on invertebrates on the site was not commented on, especially as there are features on the site (some identified by the surveyors in 2015) that warrant such a survey.

Following a submission of an Ecological Enhancement Scheme and Biodiversity Offset Calculation the critical comment in the approval note from the AVDC ecologist was that *'The applicant has submitted further details that set out how this development will generate net ecological gains post development as required under NPPF.'* This is confirmed in a message to the Case Officer. The linear biodiversity calculations do not demonstrate this, and non-linear habitat calculations of existing and new and enhanced plantings do not allow for any built infrastructure. This negates any meaningful calculations of biodiversity gain or loss. Additional to this, the Enhancement Plan and Developer's Site Plan are not consistent.

These matters should have raised serious concerns about the value of the documentation supplied being sufficient to reach such a positive recommendation. The evidence supplied is not adequate to reach any conclusion about ecological gains (or losses), there is thus a failure by the developer to demonstrate a net biodiversity gain. AVDC ecologists should have reached the conclusion that the developer has failed to demonstrate a net ecological gain.

To conclude, the brief responses of AVDC are in essence a mere tick-box exercise consisting of noting an ecological assessment plan has been submitted, noting a mitigation plan with biodiversity calculations is supplied, but at no time can attention have been paid to the detail contained in these documents. They cannot be used to demonstrate that there is an ecological gain, a requirement for new developments under the NPPF. This lack of attention to detail sets a dangerous precedent and is not how the planning process should work.

MAIDS MORETON & FOSCOTE ACTION GROUP

Second Objection to Planning Application 16/00151/AOP

1. Summary

- 1.1 Notwithstanding the further documentation submitted by the Applicant since our first objection, planning permission for this development should still be REFUSED because the development remains in breach of AVDLP saved policies GP.8, GP.35, GP.45, GP53, RA.2 and RA.36.
- 1.2 The proposed development also remains in breach of VALP policies S2, T3, T5, NE1, NE4, NE7, BE1, BE3 and I5, to the extent that these can be given weight under NPPF para 48.
- 1.3 VALP policy D-MOO006 VALP remains a subject of extensive Examination by the Inspector so cannot be given due consideration in this planning decision (NPPF para 48). Notwithstanding this, the proposed development remains in breach of criteria (f) and (e) under policy D-MOO006, and therefore in breach of this policy as a whole.
- 1.4 The proposed development remains in conflict with NPPF paras 72, 122, 170 and 189.

2. Factors to be taken into consideration when determining the benefits and impacts of the proposed development, reassessed in the light of additional evidence submitted by the Applicant

SUSTAINABLE LOCATION

- 2.1 Since our first objection, we have received further confirmation from the VALP Programme Officer that the Inspector has requested a response from the Council to Examination Documents 186 [A-S], 197, 198, 220, 221, 227 and 228. In relation to the application site, these documents call into question the soundness of the Settlement Hierarchy, the HELAA v4 and the allocation of this site in the VALP. They also highlight the conclusions in the Sustainability Appraisal, pointing out that the Council has allocated the 'least sustainable' site in Maids Moreton for development. The Settlement Hierarchy, HELAA v4 and VALP therefore cannot be relied on as evidence of 'sustainable location'.

DELIVERING A SUFFICIENT SUPPLY OF HOMES

- 2.2 As per our first objection.

BUILDING A STRONG COMPETITIVE ECONOMY

- 2.3 As per our first objection.

PROMOTING HEALTHY AND SAFE COMMUNITIES

- 2.4 As per our first objection.

PROMOTING SUSTAINABLE TRANSPORT

- 2.5 As per our first objection, with the additional points as follows:

- 2.6 The Council has now responded to the independent highways review submitted with our first objection ('the TTC Review') by way of letter dated 28th October 2020 ('the Council's response').
- 2.7 With regard to the proposed mini roundabout at Main Street and Walnut Drive, we note Mr Maw's objection which disputes the Council's response that the safety issues have been considered in detail - particularly in light of advice from Thames Valley Police that, for safety reasons, residents should use alternative on-street parking. We also note Buckingham Town Council's further objection which strongly calls into question points made in the Council's response.
- 2.8 The Council's response to Foscote Parish Meeting's objections claims that all routes to and from the site have been considered in terms of likely impact resulting from the development. However, there is no evidence anywhere that the route via Foscote Road and Foscote Lane has been considered. As it stands, this is merely conjecture.
- 2.9 The Council's response states that AVDLP saved policy RA.36 and VALP policy T5 have been dealt with in consultation responses submitted in relation to this application. These policies have not been dealt with in any other consultation responses, and neither are they dealt with in the Council's response. The development therefore remains in breach of both these policies.
- 2.10 The Council's response does not address VALP policy T3. The integrity of the Buckingham "*protected and supported*" transport schemes listed in Policy T3 would be diminished by the increased traffic flow through the centre of Buckingham resulting from the proposed mitigation measures deterring traffic use of the College Farm junction. As a result, granting planning permission for the proposed development remains in breach of VALP policy T3.
- 2.11 The Transportation Consultancy has reviewed the Council's response on our behalf and their reply is by way of letter dated 4th November 2020 which is attached to this objection as **Appendix I**. The outstanding unresolved issues include: -
- The proposed footway and cycle connections only address the basic access requirements to link the development with the wider existing networks. It should be noted that neither the distance nor the topography to and from the application site are suitable for walking or cycling for daily access to services or employment.
 - The public bus contribution which supposedly addresses one issue of accessibility is limited with no clear indication of what this will cover and whether it is sufficient to improve the site's sustainability. In any event, the draft s106 Agreement does not specifically ringfence the Public Transport Contribution for the funding of an improved hourly bus service to Maids Moreton.
 - NPPF para 72 states that new development should "*b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself...or in larger towns to which there is good access.*" It remains the case that daily access to services and facilities from the proposed development is heavily reliant on use of the car. There is no hourly bus service, no regular facilities or services in reasonable walking distance, no rail link and limited suitability for cycle usage. The development therefore breaches criteria (b) of NPPF para 72.
 - The Council's response acknowledges that the modelling work conducted at the College Farm Road junction in support of the application is unreliable. The proposed mitigation measures to divert this severe traffic impact from Mill Lane (referred to as 'College Farm Road' by the Council) through Buckingham town centre are contrary to the Buckingham Transport Strategy which explicitly seeks to reduce such 'through traffic' already using the congested town centre.
 - The Council's response claims that the proposed footway on Foscote Road is acceptable in principle whilst acknowledging that there are potentially insurmountable challenges of deliverability due to the proximity of neighbouring properties.

2.12 Given the outstanding issues of accessibility and breaches of NPPF para 72, AVDLP saved policy RA.36 and VALP policies T5 and T3 which have not been addressed, it remains unclear why a car-dependent development situated on the periphery of a small village, with limited access to local services, facilities and employment opportunities, continues to be supported by the Council.

CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

- Agriculture and woodland

2.13 As per our first objection.

- Landscape

2.14 As per our first objection.

- Biodiversity

2.15 As per our first objection, with the additional points as follows:

2.16 The Applicant has submitted a revised Ecology Report ('the FPCR Report') and Biodiversity Impact Calculations in response to our objection and Professor Shreeve's independent assessment of the Applicant's original calculations. It is noted that this is the third set of biodiversity metrics submitted by the Applicant, somewhat undermining the reliability of their data.

2.17 It is also noted that in response to Professor Shreeve's assessment, the Council's ecology officer emailed the Applicant's ecologist to arrange drafting a rebuttal to Professor Shreeve's assessment. The email, which was made publicly available, read as follows: -

"The developer is keen to progress this as are the council. It's key we get this information in readiness for a possible JR of the application if approved which may well come from the residents group after a decision has been made. This is by no means a certainty but both the council and the developer seem to be accounting for all possibilities.....Even if we can produce a draft rebuttal for Friday and work on a more robust statement for full committee on the 19th would be better than nothing.....I'll leave it with you and catch on Thursday to see where we are with this. Kind regards, P"

Council Officers are under a duty to work with developers, but ultimately must provide an independent assessment of the evidence in order to ensure that Members are able to make an informed decision. The email exchange calls into question the position of the Council's ecology officer and his ability to give impartial consideration to the issues being raised.

2.18 We hereby submit a further response from our independent expert, Professor Shreeve, who incidentally is not being paid for his expert advice and nor is he a local resident. His assessment, which is therefore wholly impartial, is attached at **Appendix II** and highlights a number of ongoing concerns in addition to the concerns set out in his original assessment.

2.19 In particular, Professor Shreeve notes that within the space of 12 working days described existing habitat areas have changed, hedgerow lengths have changed, quality scores of the hedges have changed and an additional hedge is now included. None of these changes are accompanied by any

explanation and should be treated with extreme caution. The basis of the revised calculations remains unknown.

- 2.20 The mitigation hierarchy has not been applied in relation of S41 Priority Habitat hedgerows and the metrics are now so uncertain with changes of areas and lengths of linear features and the enhancement plan differing from the developer's Masterplan that there is no clarity in the supplied figures for unit enhancement and loss. In effect, there is no coherent information to demonstrate claimed changes of biodiversity value so the planning permission, if granted remains in breach of NPPF para 170 and VALP Policy NE1.
- 2.21 The FPCR Report acknowledges the existence of four ponds within 500m of the application site, one of which lies within 250m of the application site. The Council have also been made aware of three additional unmapped ponds immediately adjacent to the application site (see objection from Mr J Bloss attached as **Appendix III**) .
- 2.22 We reiterate Natural England's Standing Advice that an applicant must survey for Great Crested Newts if *"there's a pond within 500 metres of the development, even if it only holds water some of the year"*. Despite this clear instruction, the FPCR Report fails to acknowledge the existence of the unmapped ponds and fails to advise that further surveys for Great Crested Newts are required. Without such surveys, planning permission if granted remains in breach of VALP policy NE1(g).
- 2.23 Equally, it remains the case that there is potential for protected species to be found on the application site which will require the applicant to obtain a NEPS Licence. Natural England can only issue a NEPS Licence *"for the purposes of preserving public health or public safety or other imperative reasons of overriding public benefit including those of a social and economic nature"* (Regulation 55(2)(e), The Conservation of Habitats and Species Regulations 2017). As per our first objection, the circumstances of this planning application are such that it will not be possible for the Applicant to obtain a NEPS Licence.

- Pollution

- 2.24 As per our first objection, with the additional points as follows:
- 2.25 With regard to the points made in our first objection, we note an email from the Applicant to the Council dated 27th October 2020 in which the Applicant says:
- "On the point of Anglian Water, the emerging policy asks for an assessment of waste water capacity and a surface water drainage scheme.....I have reservations on providing this information at this stage due to the cost implications of this."*
- 2.26 We reiterate the Council's Sustainability Appraisal Report Addendum (Oct 2019, prepared as part of the VALP Main Modifications) which concludes *"the matter of 'wastewater services' is a key 'pollution' issue of relevance to the spatial strategy. In particular, there is a need to direct growth to locations where there is capacity at Wastewater Treatment Works (WwTWs), or where there is confidence regarding the potential to generate capacity through upgrade works. Breach of capacity at a WwTW can result in **significant** pollution to the water environment. A recent Water Cycle Study (2017) concluded that capacity at Buckingham WwTW could be a constraint to growth at Buckingham **and Maids Moreton**"* (emphasis added).
- 2.27 Anglian Water has since confirmed in their Consultee response *"The foul drainage from this development is in the catchment of Buckingham Water Recycling Centre which currently does not*

have capacity to treat the flows from the development site.” Whilst Anglian Water cannot formally object to a site on the basis of insufficient capacity, the Applicant’s reluctance to address this issue renders planning permission, if granted, in breach of VALP Policy I5 which states that “(c) Planning applications must demonstrate that adequate capacity is available or can be provided within the foul sewerage network and at wastewater treatment works in time to serve the development”.

ACHIEVING WELL DESIGNED PLACES

2.28 As per our first objection.

MAKING EFFECTIVE USE OF LAND

2.29 As per our first objection.

MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING AND COASTAL CHANGE

2.30 As per our first objection, with the additional points as follows:

2.31 We note confirmation from Anglian Water in their consultee response that the *“development will lead to an unacceptable risk of flooding downstream.”* And that *“a full assessment cannot be made due to lack of information, the applicant has not identified a discharge rate or connection point”*. We refer again to the Applicant’s unwillingness to address this very serious issue due to the cost implication.

2.32 We also note confirmation from Anglian Water that *“From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such we are unable to provide comments in the suitability of the surface water management. The LPA should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.”* Whilst advice has been taken from the Lead Local Flood Authority, this advice does not address the unacceptable risk of flooding downstream.

CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

2.33 As per our first objection.

SUPPORTING HIGH QUALITY COMMUNICATIONS

2.34 As per our first objection.

IMPACT ON EXISTING RESIDENTIAL AMENITY

2.35 As per our first objection.

3. Conclusion

We therefore maintain our strong objection to this planning application because it still conflicts with a number of statutory development plan policies such that it cannot be considered to be in accordance with the development plan when considered as a whole. It furthermore conflicts with a number of NPPF policies and any such conflict must be given significant negative weight in the planning balance. It also conflicts with a number of emerging plan policies.

APPENDIX I

The Highways and Transportation Response

**prepared by
The Transportation
Consultancy (November
2020)**



Date: 09 November 2020
Our Ref: 210410-03 Letter

The Transportation Consultancy Limited
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For the attention of: Mr Tim Thurley, Buckinghamshire Council

Dear Tim,

Subject: Planning Application 16/00151/AOP for the construction of up to 170 dwellings, public open space and associated infrastructure on land off Walnut Drive and Foscoote Road, Maids Moreton, Buckinghamshire, MK18 1QQ.

We write on behalf of the Maids Moreton & Foscoote Action Group (MMFAG) in response to your recent correspondence (dated 28/10/20) regarding the Technical Note prepared by The Transportation Consultancy ('ttc'), which was commissioned as an independent audit of the highways related works submitted in support of the planning application outlined above.

Your response to the aforementioned Technical Note is greatly appreciated, but there are several outstanding concerns that require further consideration/clarification, which are considered to be fundamental in determining the planning application.

The structure of our response parallels your correspondence and is set out in the following paragraphs.

Transport Assessment

Proposed Access

The Council's comments in this regard are noted, although further commentary on some of the items, which feature under other headings, have been referenced below where appropriate.

Accessibility by Non-Car Modes

Comments from the Council on this matter are noted and it is fully acknowledged that the applicant proposes improvements to the existing PRow, linking the site with Main Street, alongside footway connections on Foscoote Road and a contribution towards a public bus service.

Notwithstanding the fact that the proposed footway connections only address the basic access requirements to link the development with the wider footway network, the principal issue raised within this section of the Technical Note relates to the site's general sustainability, given the lack of local services, facilities, local cycle connections, bus services, rail services and employment opportunities within walking distance and the likelihood that future residents will be heavily reliant on owning a private car.

Continued...

The public bus service contribution, which addresses one of these issues, is considered to be limited, with no clear indication of what this will cover and whether it will be sufficient to improve the site's sustainability. The latter is based on the content of the Draft Section 106 and as such, any updates in this regard would be welcomed.

As you are no doubt aware, a key consideration within NPPF is development location, with extensions to villages, referenced within Para 72 of the aforementioned, which states that new development should: *'b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access'*. It is self-evident that access to such service and employment opportunities would require use of a private car, unless significant improvements to the site's accessibility are secured. As it stands, it remains our view that the development cannot be deemed to be sustainable.

This assertion is also supported by the VALP Sustainability Appraisal, which concluded that the application site was identified as being the least sustainable in comparison to other draft designated sites within Maids Moreton, which is again contrary to NPPF.

Finally, the VALP is not an adopted document and the allocation of this site remains the subject of continued examination so cannot be relied on as evidence of an acceptable sustainable location.

Traffic Impact Analysis

The Council's comments in this regard are duly noted, although further commentary on some of the items, which feature under other headings, have been referenced where appropriate.

Consultation Response and Report Iterations

Main Street and Walnut Drive Mini Roundabout

The assessment of the junction presented within the Technical Note related to Drawing 1158 01L, which showed the visibility splays from Walnut Drive oversailing the garden of No. 1 Walnut Drive. It is acknowledged that this has been rectified within the latest iteration of the drawing and that the approach widths could be resolved at detailed design, though given the design is overlaid onto a topographical survey base, it is unclear why these issues could not be resolved at this stage to determine whether departures from the prescribed standards are required and whether such departures can be justified from a highway safety perspective.

We also acknowledge that the junction has been discussed onsite with the adjacent property owners and Thames Valley Police and that, in the Council's opinion, the matter has been resolved to the satisfaction of all parties. However, this apparent resolution does not accord with recent comments submitted by the property owner (dated 5th November 2020), who maintains his objection to the roundabout and the impact it will have on his private driveway. It has also been implied that the Thames Valley Police Officer would seek an alternative parking arrangement, as oppose to using the existing driveway, though this cannot be verified.

Stratford Road (A422)/College Farm Road Junction

It is acknowledged that this junction has been subject to extensive consultation, which has culminated in a solution that seeks to suppress demand along College Farm Road through the use of traffic calming features, since the Council consider that any meaningful increases in capacity at the College Farm Road/ A422 junction could be contrary to highway safety.

The effect of the traffic calming solution will be subject to a Monitor and Manage Strategy, which will determine how much development traffic makes use of College Farm Road and whether mitigation is required. A proposed junction mitigation scheme has already been identified and takes the form of widening along College Farm Road to increase the flare on approach to the junction, enabling 6 cars to stack. If the initial traffic calming solution successfully diverts traffic elsewhere, then the funds provided by the applicant for the carriageway widening will be reallocated to support the delivery of the Buckingham Transport Strategy.

Continued...

In the event that the traffic calming features are successful, then traffic seeking to access the A422 will naturally divert along Foscoote Road/Lane to the north or more likely through the town centre via Moreton Road. It is noted that Council has confirmed that use of Foscoote Road/Lane was considered by the applicant and it was determined that very few development vehicles would make use of this route, however, there is no evidence of this in any of the submission material and so this assertion cannot be verified.

Notwithstanding the above, and to ensure Foscoote Road/Lane is not unduly impacted by the development proposals, a Monitor and Manage Strategy will be included in the S106 agreement, to allow suitable mitigation to be identified if necessary. This in turn would ultimately lead to development traffic, and potentially existing traffic, diverting from College Farm Road and Foscoote Road/Lane, along Moreton Road and through the town centre to access the A422. The Council has acknowledged that the Buckingham Transport Strategy:

'.....seek[s] to remove traffic from the town centre and this is focused on removing those trips that do not need to be there such as traffic with an origin and destination through or around Buckingham. Removing through or around Buckingham trips would improve town centre conditions and allow the impact from local trips such as those from Local Plan development sites including this site to be offset.'

Since the applicant's Transport Assessment has established that the majority of work-based trips will travel from the site towards Aylesbury, the development trips would constitute the very trips the Council is seeking to deter and therefore contrary to the strategy.

Furthermore, it should be noted that the application site was not explicitly included within the modelling work conducted to inform and support the content of the Buckingham Transport Strategy, which was based on the Aylesbury Vale District Council Housing and Economic Land Availability Assessment, dated 2015, which shows the application site to be 'unsuitable'.

As a result and with reference to the points made under the 'Accessibility by Non-Car Modes' subheading, it is unclear why a car dependent development situated on the periphery of a small village, with limited access to local services, facilities and employment opportunities, continues to be supported by the Council. This view is also shared by Buckingham Town Council, who have also objected to the application, citing impacts on the town centre junctions, sustainability and lack of any local services and facilities within Maids Moreton that would support a development of this scale.

Foscoote Road Footway and Carriageway Improvements

It is fully appreciated that the proposed widening and footway improvements along Foscoote Road have been subject to extensive consultation and that the proposals have been based on topographical survey to ensure they are as accurate as possible. The Council have deemed the level of detail submitted to be sufficient to support the principle of the proposals and note that the *'applicant will be aware of the potential challenges in delivering the improvements due to existing level changes and space available but is confident that the improvements can be delivered.'*

Notwithstanding this assertion, the Council should themselves be fully apprised of the challenges in delivering the retaining wall to ensure the proposals can be conditioned. In the event that the neighbouring properties are affected, or the existing boundary fences are removed to facilitate construction, new boundary fences will need to be provided along the top of the retaining wall. This obligation requires planning permission, which could ultimately be refused and therefore the condition could not be satisfactorily discharged.

It is reasonable for the Local Highway Authority to request further details in this regard to ensure the proposed footway improvements can be delivered.

Moreton Road junction with the High Street (old Gaol)

The Council's views on this matter are duly noted and whilst it is still not clear whether the improvements to the junction, mitigate the impact of the development, it is accepted that in general, the proposed improvements would be beneficial to non-motorised and public transport users, but it has been established that the development itself will not generate non-motorised and public transport users.

Continued...

Crossing on the A422 Stratford Road

The benefits of providing a crossing on the A422 are self-evident, however, the route between the site and the A422 is convoluted and heavily reliant on cyclists using public footpaths, which in accordance with the Highway Code is explicitly forbidden.

Other routes include estate roads or the potential use of Moreton Road and none of these routes are helpful in promoting cycling from the site to the nearest secondary school. As such, it would be expected that a more comprehensive set of improvements designed to encourage cycling from the site to the town centre and beyond would have been requested by the Council, rather than focussing on restricting vehicle route choice and funnelling development traffic through the town centre.

It is acknowledged that the applicant is making a contribution towards the Buckingham Transport Strategy and any details on how these funds will support the delivery of a sustainable development at the application site would be welcomed.

Summary

In summary:

- The sustainability of the site's location is still considered to be questionable and the proposed improvements will not reduce the likelihood that future occupants will be car reliant.
- The solution to the local junction capacity issues effectively leads to development traffic 'funnelling' through the town centre by deterring development traffic and potentially existing traffic from using local alternatives, which have been widely acknowledged as being unsuitable. This approach is considered to be contrary to the Buckingham Transport Strategy.
- It has been acknowledged that the applicant is contributing towards the Buckingham Transport Strategy, but with no details on what schemes the funds will support and what benefits could be derived for future occupants of the site. Further information on this would be welcomed.

It is acknowledged that the Local Highway Authority has worked collaboratively with the applicant to resolve the technical issues in delivering this site and is satisfied with the outcomes, but it is considered that too much emphasis has been placed on delivery at the expense of suitability and sustainability and we would respectfully request that the Local Highway Authority carefully consider whether the site fully conforms with NPPF.

Yours faithfully

James McGavin BA (Hons) MSc (Eng) MCIHT
Director



APPENDIX II

Expert Evaluation of the Revised Ecological Assessment and Biodiversity Offset Calculator

**prepared by
Prof. Tim Shreeve
(November 2020)**

16/00151/AOP Assessment of the application of the Biodiversity Metric 2.0 –Calculation Tool –Beta Test December 2019 to demonstrate Biodiversity net gain Revisions to Metrics *uploaded on 3 November 2020.*

This is the third set of biodiversity metrics submitted by the applicant and these comments are on this third set, uploaded on the 3 November.

Within the space of 12 working days all habitat unit and hedgerow calculations have changed. These encompass major changes of described existing habitat areas and areas enhanced and created, with resultant changes to the extent of habitat unit changes. Hedgerow lengths have been revised, an additional hedge included and the quality scores of the hedges changed. None of these changes made to the values input into the Biodiversity Metric Calculator 2.0 are accompanied by any explanation. Such a large disparity between the results of the two sets of data resulting indicate that anything that has been calculated should be treated with extreme caution and no confidence should be attributed to the revised calculations. The basis of these revised calculations remains unknown.

Additionally, the correspondence between Buckinghamshire Council and the developer may raise questions about the ethical position of the council. Given this correspondence it could be questioned if the council can provide any impartial judgement.

Linear features - Hedgerows

The newly presented data indicates that there are now 4.48 exiting hedgerow units (down from 5.58 in the previous use of the Biodiversity Metric). After hedgerow loss this is now presented as a reduction to 4.14 units (previously 5.72 units) with a change of **-7.53%** (previously 1.44%). This is despite adding another hedgerow to the metrics (H5), with no basal information being supplied about its condition and distinctiveness. H5 was previously described as scrub and woodland. In the new data the lengths of H1-H4 have been reduced, but the new values also conflict with the original ecological report of September 2016. Lengths are part of the unit calculations in the Biodiversity metric, so the conflicting reports do not allow the calculation of hedgerow units to be tested for reliability.

Despite the addition of H5, and a line of trees to the new calculations, the existing value of the hedges has declined, this is because the combinations of conditions and distinctiveness have changed. Furthermore, the apparent reduction of H4 length means that the units lost from this hedge are now less than previously reported, and the gaps in H2 (net loss) to allow two access roads through the hedge has been reduced, representing a downplaying of the loss of hedgerow developments.

More fundamentally the status of hedges identified as S41 Priority habitats has not been addressed. The condition of these S41 hedges remains misreported in the metrics, negating the reported enhancement unit uplifts in the metrics.

Whilst the loss of -7.53% hedgerow units is given, changes to the data used in the calculation to provide less favourable unit calculations for existing hedgerow units, despite the addition of H5, indicates that the actual loss of hedgerow units will likely exceed 7.53%. However, the basis on which revised calculations should be made is now very uncertain as 3 sets of length estimates are presented, with condition and distinctiveness values for individual hedges that are not appropriate. Therefore, the actual hedgerow unit loss is most likely to approach around 12% as previously reported (29 October report of TGS).

New calculations are presented for habitat units. In this new set of calculations, the areas of all existing, enhanced and created habitat units have been changed. There is no explanation

for this. These new area calculations and resultant number of habitat units currently and post development are not reported in the Headline Results (Zero units are presented). The new assessment does however indicate a larger gain in habitat units with a described gain of 11.4%. The veracity of this is dependent on the new area calculations being correct; the reasons for these changes needs to be documented.

However, what can be delivered on the site is in question, the developer's Masterplan and the Habitat enhancement map are different. The decision should be made on the developer's Masterplan, which is presumably the definitive document. Of significance to the habitat metrics is the provision of swales next to H1. The Masterplan does not give space for these. Additionally, some of the units delivered by newly created amenity grassland is actually occupied by a LEAP, with an artificial surface and the other large area of this habitat type (NE of the LEAP) is occupied by housing. Thus, the delivered biodiversity units are going to be less than the declared figure off 11.4%, but confirmed areas need to be given for a reliable estimate.

With the revised metrics, previous comments about the time to deliver habitat and hedgerow units still apply (see 29 October report of TGS). There will be net loss of habitat units for about 10 years, with final delivery after 30 years, and hedgerow unit loss reaches its minimum value only after 20 years.

In summary the mitigation hierarchy has not been applied in relation to S41 hedgerows and the metrics are now so uncertain with changes of areas and lengths of linear features and the enhancement plan differing from the developer's Masterplan that there is no clarity in the supplied figures for unit enhancement and loss. Thus, there is no coherent information to demonstrate claimed changes of biodiversity value.

Buckinghamshire Council's ecologist states in an email to fcpr (27 October 2020) :

"Its not in the councils or the developers interest for this to fall down at committee stage based on ecology reasons alone."

However, what has been produced is ineffective as a finalised set of metrics. The Technical Note – AG Objection Review and Response of fcpr (30 October 2020) states that:

"The update BIA assessment undertaken by FPCR has demonstrated the updated scheme is capable of delivering a >10% net gain as detailed within the submitted report and metric."

Given the Outline nature of the application a condition can be attached requiring the final scheme to demonstrate a net gain for both hedgerows and habitats."

The stated delivery of >10% net gain ignores the hedgerow unit loss (it is far from minor) and timeliness in delivery, whilst different types of units (habitat and hedgerow) need to be addressed separately. The NPPF also requires that biodiversity considerations should be taken into account at the decision stage. Demonstrating a net gain for both hedgerows and habitats as a condition is contrary to policy, it has to be demonstrated first.

There remain issues about the lack of protected species surveys, further undermining any case that the ecological component has been properly addressed by both the developer and the council when considering this application.

Professor T G Shreeve
3 November 2020

APPENDIX III

Objection from Mr Jeremy Bloss

**submitted
to the Council**

October 2018

Comments for Planning Application 16/00151/AOP

Application Summary

Application Number: 16/00151/AOP

Address: Land Off Walnut Drive And Foscoote Road Maids Moreton Buckinghamshire MK18 1QQ

Proposal: Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure

Case Officer: Mrs Sue Pilcher

Customer Details

Name: Mr Jeremy Bloss

Address: 13 Manor Park Maids Moreton Buckingham

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity

Comment: I wanted to flag up based on the recent news that AVDC now has access to a Newt officer that if there are ponds with newts in within 500m of a proposed development that a survey should be performed. I do not believe any such survey(s) have been performed in the case of this application. I have a pond within my garden that is home to many amphibians - newts, frogs and my neighbours have more than one pond. We are right next to the proposed site. I suspect there will be many other ponds within this 500m range (even Foscoote reservoir!) so want to raise this as an objection.

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