

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 It is noted that only one saved policy relevant to this application, namely RA.14, is considered out of date.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 Foscote Road and Walnut Drive, including satisfactory visibility splays to Foscote 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 Foscote Road and Foscote 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>	
	6.3	<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>	
	6.4	<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 Foscote site access</u>, noting the discrepancy in turning movements and the major road width. - <u>Main Street / Foscote 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.
	Foscote 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 Foscote 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 Foscote 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 Foscombe 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.	
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 Foscoate 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.