



## Corrigendum to Buckinghamshire Strategic Sites Committee

---

<b>Application Number:</b>	16/00151/AOP
<b>Proposal:</b>	Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure
<b>Site Location:</b>	Land Off Walnut Drive and Foscoote Road Maids Moreton Buckinghamshire MK18 1QQ
<b>Applicant:</b>	BDW Trading Ltd
<b>Case Officer:</b>	Mrs Sue Pilcher
<b>Ward(s) affected:</b>	Buckingham East (former Luffield Abbey Ward)
<b>Parish-Town Council:</b>	MAIDS MORETON
<b>Date valid application received:</b>	20 January 2016
<b>Statutory determination date:</b>	20 April 2016 (Extension agreed until 20 November 2020)

### Recommendation

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

### Corrigendum

#### 1. Further representations

1 further objection received since the Officer's report was published making the following comments:

- Adverse impact on existing on-street parking from proposed mini-roundabout
- The parking restrictions required for the mini-roundabout would adversely affect existing homes and businesses
- Parked cars prevent access by bus
- Disparity in parking surveys which were incorrectly carried out
- Displaced cars will worsen the parking situation

## **2. Further response Maids Moreton Parish Council**

As the Officer's Report (OR) to the Committee in respect of this application was not *available to us at the time by which we had to make our earlier comments, we are now submitting this supplementary response focused on issues raised by the OR. We are aware of the detailed comments made by Maids Moreton and Foscoote Action Group (MM&FAG) and agree with the points they have made.*

### *Maids Moreton Misclassified as a Medium Village*

The size of the development proposed is unreasonably out of scale. From the time when the village categorisation system in AV changed from a two-category to a three-category system, we have consistently argued that MM is a small and not a medium village. In #5.7, the OR lists the Key Criteria for medium villages, used in the September 2017 Settlement Hierarchy Assessment Report (SHAR) but does not state which 6 are considered met. The relevant Key Criteria are as follows:

<b>Key Criterion</b>	<b>SHAR Comment</b>	<b>Reality</b>	<b>KC met</b>
Distance to a Service Centre	1.3 miles to Buckingham	True	1
Hourly bus service	Yes X5 and X60/60	These services do not now served MM, only Buckingham. Even in 2017, there was no hourly service to and from Buckingham. Service 60 only ever served MM occasionally <sup>1</sup>	0
Pub	Yes	There were two, now only one	1
Village hall	Yes	Yes	1
Recreation ground, children's play area	Yes	Extensive playing fields and equipped children's play park	1
Primary school	Infant school	Not a full primary, so marginal at best	(1)
<b>Total</b>			<b>4(5)</b>

The OR, #5.7, states that medium villages are also expected to have a population of between 600 and 2000. The population of MM is 847 (2011 Census), so towards the lower limit of the category. Given this, one would expect MM to be very well served in respect of Key Criteria; it is patently not so served and was misclassified. VALP Policy S2(h) 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 in MM is grossly out of scale and in clear breach of VALP Policy S2(h). Comparing the scale of proposed additional housing numbers suggested by HELAA4 and VALP at all 19 Medium Villages in the AV area, the average number of new houses per 100 current inhabitants is 4.6, leading to an average population increase of 14%. The equivalent figures for MM are 20.2 new dwellings per 100 current inhabitants, and a population increase of 61% based on the AV standard multiplier of 3 persons per dwelling. The only other medium village with more than 10 dwellings / 100 inhabitants proposed is Stoke Hammond, which SHAR states meets 7 Key Criteria.

---

<sup>1</sup> See our previous objection for current bus timetable

These figures are for new and already committed developments. Looking only at new dwellings, MM is still allocated 20.1 houses per 100 current inhabitants while no other medium village has more than 3.8 (Cuddington) and most (13) have none. This is not an equitable distribution.

#### *Location and Access*

The site this January 2016 application seeks to develop was categorised as unsuitable by the then current HELAA 2 as it was again in HELAA 3 dated May 2016. HELAA 4, dated January 2017 – and for which there are major issues outstanding and unresolved in respect of its lack of consultation - suddenly altered the site description to suitable a year after this application was submitted. One of the core factors in earlier assessments of unsuitable was because it extended the village into open countryside.

In #5.76, the OR states that Manor Park already extends out from the village centre as a precedent for further extension into open countryside. This statement is factually incorrect. Manor Park started to be occupied in September 1965 on land previously occupied by The Lodge, which was demolished c. 1964 when the owner died. The old wall remains on the NW side, and the first part of the NE side.

Therefore, the OR's statement that construction of Manor Park is a precedent for extending the village into open countryside is both misleading and incorrect. Manor Park is a redevelopment of a brownfield site that respects the village boundary that had been in place and unchanged for more than 250 years. Furthermore, in 1965, MM had 6 shops, regular public bus services far wider than Buckingham, a monthly mobile clinic, fortnightly mobile library, a resident district nurse practice, school buses for secondary children and works buses to the main employers in Buckingham, none of these assets is present today.

#### *Recreational Facilities*

Paragraph 5.5h of OR states, *As the 2017 'Open Space, Sports and Recreation Needs for Aylesbury Vale' audit shows there is a lack of a suitably sized central public open space as well as no neighbourhood equipped area of play (NEAP) in Maids Moreton,...* It is unclear why this audit fails to notice the extensive playing field, LEAP and NEAP facilities already in MM, not least as the SHAR, dated September 2017, clearly notes them as one of the Key Criteria met.

The same paragraph goes on to state: *This open green space will also provide an alternative to Foxcote Reservoir and Wood SSSI and help avoid recreational impacts on the designated site.* Given the very limited size of the public open space proposed in the, as yet unfinalized, layout plan, this statement makes no sense.

The 2017 Sustainability Assessment commissioned from AECOM concludes this site is the least sustainable in MM. One sentence from the Council response states: *It is difficult to conclude that one site is more suitable than another, although one important factor is the potential for the site to the north (MMO006) to deliver a new children's play area.* It appears that Council was unaware of the recreational facilities that have long existed in MM, despite their mention and use in SHAR.

#### *Waste Water*

The AECOM Sustainability Assessment states clearly: *The other main conclusion to come for the appraisal is that higher growth at Maids Moreton (Option 5) is not necessarily to be supported, in particular from a 'Pollution' perspective, recognising capacity constraints at the Buckingham Wastewater Treatment Works (Option 5 relates to this application site).*

The Council's response on this stated: ... *in terms of Wastewater Treatment Works capacity; however, the Council is confident (following dialogue with Thames Water) that upgrades to the Treatment Works can be implemented ahead of housing growth.* It is unclear why Thames Water was consulted and we note Anglian Water has submitted a document highlighting their concerns on this matter.

#### *Traffic and Heritage*

We certainly dispute the claims that an adequate and sustainable transport solution has been proposed. The OR #5.122 states: *These works are aimed at making College Farm Road (Mill Lane) a less attractive route from the beginning and will aim to deter development traffic from using it.* This is an overly optimistic assumption. Traffic levels in Mill Lane have increased since the Moreton Rd 2 development was built and as a result of excessive, often gridlocked, traffic in the centre of Buckingham. At present, this country lane with a 2.3m width restriction is carrying almost 50% of the traffic flow of the A413 Moreton Rd, as noted in our earlier objection.

In OR #6.1, in response to currently excessive speeding on Duck Lake, speed reduction measures are proposed as part of the S106 Agreement. This fails to address the underlying cause that developments around Buckingham have gone ahead without adequate investment in infrastructure being required from and delivered by the developer. It appears that too many planning applications have been appraised on an individual basis instead of with a strategic view.

OR #5.123 states: *The extent of change to this green space as a feature in the conservation area would be marginal, and there would be some benefit from removing traffic from that part closest to the church.* The plan for these changes does not remove any traffic from the part closest to the church as the narrowing of the road is on the opposite side. They may slow traffic a little but do nothing to reduce either the volume of traffic or its proximity to the church. What is proposed does not adequately meet the requirements of NPPF #193, which states, *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.*

The conservation of the heritage assets along Main St, 12 grade 2 listed buildings, is a major concern. Yet OR #5124 states baldly in respect of traffic levels in Main St, ... *it would be unreasonable to apportion any accurate level of harm given the road is already in heavy use as a principal thoroughfare.* This is an inadequate statement and should surely ask the question as to why this has happened. Furthermore, no baseline vibration studies have been conducted, yet NPPF #193 clearly suggests such studies should have been done, either by the Council or the developer.

#### *VALP*

In the OR, #1.1 and 1.12 and elsewhere through the document, the assumption is made that VALP is almost approved. The letter from the Planning Inspector, Paul Clark, dated 30 October 2020, which is appended, is clear that this is not a correct or valid assumption. Furthermore, many of the Further Proposed Main Modifications are directly relevant to this application. Consequently, the weight accorded to VALP in the OR appears to us to be severely misplaced. In particular, we draw attention to saved policy RA 14, which is specifically dismissed in OR #5.3. There is already a comfortable cushion above 5 years in respect of the housing land supply and it cannot therefore be argued that this site must be developed to meet the requirement of 5 years' supply.

### *Agricultural Land*

The land on which this application would be built is agreed to be predominantly Grade 3a, Best and Most Versatile. OR #5.112 notes that *this would not significantly affect the Vale's overall supply*. This is an inappropriate statement to be made, especially as the overarching aim in NPPF is sustainable development. Agricultural land is a finite resource and its loss needs to be considered in respect of the local agricultural economy around MM, not in the Vale as whole.

The natural conclusion of repeated small losses of a common resource to satisfy the self-interests of individual users is that they lead ultimately to the loss of the whole. Stating that this loss of 8ha is not significant is inappropriate and undermines that stated commitment of the Council to work towards sustainable development. It is certainly not justified by a development that, as detailed in the applicant's documentation, is expected to be occupied by people working considerable distances away and travelling by private vehicle.

### *Consultation and Communication*

The developer held a public meeting in November 2015 and handed out questionnaires. One of the questions was whether the site was suitable for development; 93% of respondents answering this question said it was not suitable. From that date on until February 2019, when it was considered by SDMC, there was no consultation with the community. This was confirmed at SDMC by the DWH representative. Since that time, two short meetings on the S106 were held in the summer of 2019.

We note that the developer's revised VALP compliance table submitted in October 2020 not only made numerous incorrect assertions but was also strewn with uncorrected typing errors. This does not engender confidence in a high standard of professionalism nor indeed in accuracy of content.

In respect of biodiversity, there have now been three sets of different reports submitted by the developer, each of which claims to be accurate and each of which has, surprisingly, been accepted by the AV ecologist. As is clearly shown in the responses from Prof Shreeve, the independent biodiversity and conservation expert retained by MM&FAG, the reports are inconsistent, do not reflect reality and fail to meet the standard expected in professional reports. It is surprising that the Council Ecologist has not independently challenged any of the three biodiversity reports.

As part of traffic studies, the applicant submitted a parking survey. Mr Simon Mallett's recent objection shows clearly that this, again, was not up to the standard expected, and was not conducted in accordance with the methodology it stated was used.

### *Overall Conclusion*

We remain strongly opposed to this development as presented and request that it is refused. It is too large, does not address priority needs for housing types, threatens important heritage assets and would result in excessive traffic levels. Most importantly it fails on numerous counts to meet the criteria for sustainable development required by NPPF. The Sustainability Assessment commissioned by AVDC stated this clearly but the Council overrode this conclusion, attaching great weight to a limited new recreation and play area despite adequate facilities having existed for years.

We are surprised and disappointed that the OR appears to downplay or even ignore the many weaknesses in this application and appears to attempt to push it through regardless of the clear deficiencies. We certainly expected an OR that took a more balanced and less partisan view.

Examination of the Aylesbury Vale Local Plan 2013 – 2033

Inspectors Note

Inspector: Mr. Paul Clark BA MA MRTPI

Programme Officer: Mrs Louise St John Howe

[louise@poservices.co.uk](mailto:louise@poservices.co.uk) | Mobile: 07789 486419

---

The Council is about to publish its responses to the representations received in response to the consultation on its proposed modifications which were put forward in October 2019.

The Council will also be publishing Further Proposed Main Modifications which will be consulted upon by the Council shortly. The Council will be running a consultation in due course.

I am now considering the representations which were made on the Modifications proposed in October 2019, together with the Council's responses to the issues raised by respondents to the consultation. I will also be considering the Further Proposed Main Modifications, together with the responses to the consultation on these modifications, with a view to deciding whether further Hearing Sessions will be held.

Consequently, I will not be taking a final decision on whether additional Hearing Sessions will be held until after the close of the consultation on the Further Modifications which are being proposed by the Council. There is no need to write to me separately urging the holding of further Hearing Sessions; I will be making that decision based on the cogency of the representations made to the Modifications and Further Modifications and on a consideration of whether new matters are raised not previously considered in earlier Hearing Sessions.

Date: 29.10.2020

---

*Last updated 30 Oct 2020*

### **3. Foscote Parish Meeting: Further comments received as follows:**

Reasons for REFUSING this application.

We note Highways Comments dated 28th October 2020 responding to the objections made by Foscote Parish Meeting ('FMP'), and comment as follows: -

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

1. In the Highways Comments, Mr Thurley states "I can confirm that all routes to and from the site have been considered in terms of the likely impact resulting from the development traffic".

Foscote Parish Meeting reiterate that there is no evidence anywhere that the route between the development and the A422 via Foscote Road and Foscote Lane has been considered. In fact, it was exactly this lack of consideration that led to the SMDC Resolution in 2019 requiring Foscote Road and Foscote Lane be subject to a 'Monitor & Manage Strategy' in the s106 Agreement. It is simply incorrect to say that all routes to and from the site have been considered.

2. Mr Thurley also states "the impact on the more rural routes to the north of the site will be monitored as part of the Monitor & Manage Strategy". Again, this is not the case. The SMDC Resolution required a 'Monitor & Manage Strategy' for Foscote Road and Foscote Lane, and also Mill Lane in Maids Moreton but nothing more. The impact on the rural routes to the north of the

site such as Foscombe Road to Leckhampstead and beyond are not subject to any Monitor & Manage Strategy. In addition we understand that it is proposed that the construction traffic will be routed along the A413, a route which will take the heavy traffic through the village of Akeley where the road narrows at a dangerous blind bend. The rural road network to the north of the site will take excessive traffic from the proposed development, in breach of Policy RA.36 AVDLP and Policy T5 VALP.

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

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

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

3. In the Highways Comments, Mr Thurley acknowledges that the draft s106 Agreement fails to implement a 'Monitor & Manage Strategy' for Foscombe Road and Foscombe Lane. Despite FPM meeting with the Applicant and the Council to agree the terms of this 'Monitor & Manage Strategy' before the draft s106 Agreement was published, and then confirming this in writing by a series of emails, it was still omitted from the draft Agreement. Almost two years on, it is inadequate at this stage to be told that the final s106 Agreement will have a suitable Monitor & Manage Strategy.

Summary of Objections and reason for REFUSAL

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

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

The Highways Comments submitted by Mr Thurley do not adequately address any of these issues. In weighing up the positive impact of the proposed development against the significant negative impacts of the proposed development, FPM still believe this application must be REFUSED.

#### **4. Leckhampstead Parish Council comments:**

Leckhampstead Parish Council strongly object to the application on the basis of increased traffic. An extra 170 houses with the potential of 340 cars will unquestionably have an impact on the surrounding area. Foscote Road is a single track lane leading from Maids Moreton to Leckhampstead, it has limited visibility, potholes and is highly unsuitable for any extra volume of traffic. This would undoubtedly become a rabbit run for commuters wishing to get out onto the A422. The T-junction in Leckhampstead already causes concern due to careless driving from drivers who are non-residents. The road from Leckhampstead up to the A422 is also single track and would not be suitable for increased use. Equally the junction onto the A422 has limited visibility and has had accidents in the past. Access onto the main road is slow at peak times due to the speed and volume of vehicles on the A422, consequently extra traffic could well go through the village towards Wicken with a view of getting access to the A422 further up. Again this is a single track lane which is not appropriate for increased use.

#### **5. Whittlebury Parish Council comments (first two paragraphs of the response missed in the Officer's report)**

Whittlebury Parish Council in South Northants has been alerted to the fact that contractors for the above development in Maids Moreton, Buckingham are proposing to use the A413 for carrying heavy plant and materials to the site. The matter was discussed at a routine meeting of the Council on Thursday 14th November 2019 and it was agreed that an objection should be raised with AVDC.

The A413 runs north to south through part of South Northants and then for the majority of its route through Buckinghamshire. In Northamptonshire, it starts at a junction with the A43, a major trunk road that links the M40 and M1 motorways, just over a mile to the north of the village and it is envisaged that this would be a likely route for heavy lorries and other plant coming to the Maids Moreton site from the midlands. Additionally, depending on the origin of the traffic, it is likely that some lorries may come from the direction of Milton Keynes north along the A5 trunk road towards Towcester and then use a local connecting road known as Cowpastures Lane as a shortcut to join the A413 before coming south through Whittlebury.

The village of Whittlebury already has a growing problem with increasing traffic flows as a consequence of new developments in Silverstone, two miles away, and in the south of Towcester - the latter known as Towcester Vale where a total of 2,750 houses are in the process of being built. Extra traffic volumes generated by this development in Maids Moreton, only six miles away, would impact directly on the amenity of villagers especially those living on the Towcester Road and the High Street which form the A413 through the village.

Between 0800 and 0930 and 1530 and 1730 in particular, traffic in the village is even heavier with children being taken to and from the local primary school and commuters journeying to and from their places of work in, for example, Milton Keynes and Northampton. Traffic jams with the traffic coming to a complete halt are frequent at those times.

Despite speed warning signs and the occasional presence of a police speed camera van, speeding is an additional hazard, and this too has an impact on the village and its residents. Fortunately, there has not been a serious accident in recent years but, clearly, the potential for one would be heightened by the presence of an increased number of lorries.

Finally, should the local planning authority be minded to grant permission for this application, Whittlebury Parish Council would wish to see a condition that no construction traffic is permitted on the A413 through Whittlebury.



## **6. Further comments from Biodiversity Officer**

The Biodiversity Net Gain calculation has been altered in order to address the concerns raised by the Council and the Maids Morton & Foscote Action Group. The most recent iteration of the assessment uses the most up to date metric being endorsed by DEFRA. Figures have altered with an uplift in the net gains required to ensure the application site reaches the thresholds being set by the Developing Local Plan for Aylesbury Vale. Ecological enhancement measures within the red line of the development have been achieved by increasing the ecological value of the features proposed. These are set out within the calculations provided. Detailed ecological enhancement and management plans will need to be secured with a planning condition to ensure these features are established on site, post development. It is not unique to this application site that calculations are revised during the consultation period for the application. A clear and definitive plan of these enhancements will need to be established for this site. The calculations provided demonstrate this is possible at the percentage threshold required.

It is likely that any unmapped ponds will need to have some form of assessment in order for the applicant to apply for the district licence for Great Crested Newts the applicant is currently pursuing. This will need to be addressed within the District Licence process the applicant is currently undertaking and will be determined by the licence provider under the licence agreements set by Natural England.

The GCN District Licence still requires the three tests to be met. The answers to these tests will need to be provided by the applicant during the District Licence application process. Natural England have endorsed the use of District Licences for this protected species within Buckinghamshire. The level of survey effort required to gain a licence is dependant on site specific circumstances. The licence provider will determine this under strict guidance from Natural England in line with licence agreement granted by them.

Bat surveys were carried out on this site and are detailed in the Lockhart Garratt Extended Phase 1 Habitat Survey dated September 2015. The buildings present on site were all assessed to have a negligible or low potential to harbour bats. Tree inspections were carried out on the vegetation present on site and number of trees were identified as category 2 trees, this being low potential for bat roosts to be present. Both of these inspections followed the guidelines set out at the time of the assessment which predates the Bat Conservation Trust Survey Guidelines published in 2016. On review of the assessments to the updated 2016 criteria it is considered the surveys carried would satisfy the 2016 thresholds. The structures present do not afford suitable bat roosting potential and the trees identified as category 2 roosting potential have been identified and will be afforded specific treatment during the construction phase. Soft felling of any identified trees, in line with the guidance provided, within this category has been proposed. It is acknowledged that these assessments are now five years old and the features present on site may have altered during this period. It is standard practice to seek an updated walk over ecology review of the site, to identify the current status of the features to ensure there has not been any significant changes from the point of the original assessment, prior to any construction work commencing. This should be secured within any planning consent afforded to this site.

## **7. Response of BC Highway Officers to objections/further responses**

### **Maids Moreton and Foscote Action Group**

Paragraph 2.7 of the Action Groups letter refers to the proposed mini roundabout at the Main Street and Walnut Drive junction and the objection from Mr Maw, who it is understood has an

access to his driveway which will fall within the area of the roundabout. It states that Mr Maw disputes the Council's previous response that states the safety issues relating to this roundabout have been considered in detail, particularly in relation to the advice from Thames Valley Police. The response implies that the Thames Valley Police Officer advised that, for safety reasons, residents should use alternative on-street parking. Highway Officers have detailed the Council's considerations in relation to the proposed mini roundabout in previous responses, and for confirmation these considerations include details of how the roundabout design satisfies the requirements of the Council and the details of a Stage 1 Road Safety Audit that has also been carried out on the proposed design. In correspondence with the Traffic Management Officer from Thames Valley Police following discussions relating to the roundabout, the Traffic Management Officer stated the following:

*"Regarding our discussion this morning I would suggest in the first instance the occupants whose drive comes out onto the mini roundabout to reverse back in and then they will have the ability to see as you point out under Rule 201, they will have to be mindful when doing this when other users are also approaching this feature as this is not a normal manoeuvre. If the road is lightly trafficked with low speeds I would hope they would be able to manage this without too much difficulty."* It

can be seen from the above quote that the Traffic Management Officer was satisfied that adequate access to the driveway could be achieved, and the advice in the quote above is consistent with discussions that took place on site with Mr Maw. It is understood that any comment referring to the need for on-street parking to take place in an alternative location referred to the on-street parking that currently occurs in the vicinity of the proposed roundabout location and does not relate to the use of the driveway in this location. It is also relevant that the Traffic Management Officer refers to the low vehicle speeds, as the mini roundabout provides a feature that will encourage lower vehicle speeds as drivers approach with more caution, whereas currently there is no feature in place in this location to slow vehicle speeds.

Paragraph 2.8 of the response again relates to the consideration of development traffic using Foscoote Road and Foscoote Lane. Highway Officers previously responded that this is something that has been considered and, as previously advised, the impact of development traffic on the roads to the north of the site will be monitored through the 'Monitor and Manage Strategy', which will also allow for appropriate mitigation measures to be put in place should they be required.

Paragraph 2.10 of the response states that the Council's response does not address VALP Policy T3 due to use of traffic calming to deter the use of College Farm Road encouraging traffic to instead travel towards and through the town centre. Highway Officers have previously referred to the aims of the Buckingham Transport Strategy (BTS), which seeks to remove traffic from the town centre that does not need to be there, i.e. traffic with an origin and destination through or around Buckingham. This would in turn improve town centre conditions and allow the impact from local trips such as those from Local Plan development sites, including this site, to be offset. The applicant is proposing an appropriate financial contribution towards the BTS to mitigate the impact of the development.

### **Response from The Transportation Consultancy (TTC)**

The final paragraph on page 1 of the response continues to suggest that the site's location is not sustainable in transport terms and that *"...future residents will be heavily reliant on owning a private car."* Highway Officers have previously stated that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which is an important point that needs to be taken into account. An area such as Maids Moreton will not have the same sustainable transport options as a town such as Buckingham or Aylesbury, but the NPPF is clear that this does not necessarily make areas like Maids Moreton unsuitable for development. The applicant is providing physical improvements and is making financial contributions to

sustainable transport improvements, which are considered appropriate to the type and scale of development.

The first paragraph on page 2 of the response states that the public transport contribution is considered to be limited with no clear indication of what this will cover and whether it will be sufficient to improve the site's sustainability. It is noted that TTC do not provide any evidence to support their view, however the Council's Passenger Transport section has considered the need for an improved bus service to serve the development and has requested an appropriate contribution in order to secure the required improvements. For confirmation, the Council is aware that in July 2019 Arriva's Route 60/X60 was withdrawn from Maids Moreton, which removed the existing peak hour service to the village. The withdrawal of this service came after the Highway Officers response of the 30th November 2018, which listed the financial contributions to be paid by the applicant. That response included a public transport contribution of £75,900, which was to go towards funding an improved hourly service. Following the withdrawal of the existing service, the Council's Passenger Transport section reassessed the bus service requirements for the development and considered that an increased contribution of £144,900 would be required, which would allow for a level of service equal to that of the improved service originally proposed before the withdrawal of the existing service. This increased contribution is what will now be included in the S106 Agreement.

As stated in previous responses, with the proposed improvements to connections to the site and the proposed contributions towards improving sustainable travel options, it is considered that the applicant has agreed appropriate improvements for the type and scale of development proposed. Contrary to the 4th paragraph on page 2 of the response, the acceptability of this site in terms of highway issues is not related to the allocation of the site in the Draft VALP.

Under the '*Main Street and Walnut Drive Mini Roundabout*' heading, in relation to the driveway access in the vicinity of the proposed roundabout, the response states "*It has also been implied that the Thames Valley Police Officer would seek an alternative parking arrangement, as oppose to using the existing driveway, though this cannot be verified*". As far as Highway Officers are aware, the Traffic Management Officer from Thames Valley Police did not suggest using an alternative parking arrangement rather than using the driveway. As confirmed above, the Officer only offered advise on how to access the driveway in an appropriate manner when taking into account the location of the proposed roundabout, which is what was also discussed when both the Traffic Management Officer and the Highways Officer met with the resident on site.

It is noted that in relation to where the development traffic is likely to route should the traffic calming features be successful, TTC suggest that the most likely route would be through the town centre via Moreton Road, rather than routing to the north of the site via Foscote Road and Foscote Lane. This is something that the Council agrees with and has already detailed how the impact of additional development traffic through Buckingham town centre will be dealt with.

In relation to the Buckingham Transport Strategy, the 4th paragraph on page 3 of the response states:

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

As stated earlier, and in previous responses, the BTS is aimed at removing traffic from then town centre that doesn't necessarily need to be there and could route via the ring road. This is expected to create capacity to improve conditions in the town centre and allow traffic from planned developments to be accommodated.

The 5th paragraph on page 3 of the response goes onto state:

*"Furthermore, it should be noted that the application site was not explicitly included within the modelling work conducted to inform and support the content of the Buckingham Transport*

*Strategy, which was based on the Aylesbury Vale District Council Housing and Economic Land Availability Assessment, dated 2015, which shows the application site to be 'unsuitable'."*

Notwithstanding any transport work that was carried out prior to the submission of this application, it is the case that a Transport Assessment along with a number of other Technical Notes have been submitted in support of the application. Having considered these documents in detail over an extended period of time, the Council is satisfied that the development will have an acceptable impact on the surrounding highway network.

Under the '*Foscote Road Footway and Carriageway Improvements*' heading the response again brings into question the ability to construct the proposed footway and carriageway improvements. The issues raised are detailed design matters and will be dealt with as part of the S278 Agreement required for the off site highway works.

Under the heading '*Crossing of the A422 Stratford Road*' the response questions the benefit of the proposed crossing and states that the route between the site and the A422 is convoluted and heavily reliant of cyclists using public footpaths. No confirmation of the route referred to in the response has been provided, however having reviewed possible routes from the site to the A422 it is evident that cycle access can be achieved without the need to use public footpaths. It should also be pointed out that the crossing on the A422 was secured following discussions with the Local Councillor, after it was identified that this would provide an attractive and convenient link to the cycleway improvements linking Buckingham School to the A422.

#### **Foscote Parish meeting**

The second response from Foscote Parish Meeting mainly centres around the assessment of the routes to the north of the site and the Monitor and Manage Strategy, along with its inclusion in the S106. I have already confirmed the Council's position with regards to these points earlier in this response and also in previous responses, however for completeness I will re-confirm the main points below.

Consideration has been given to all routes to and from the site, and further to that, a Monitor and Manage Strategy will be put in place to allow the impact of the development traffic to be measured on these routes, a judgement of the impact to be made and mitigation action taken should it be required. The Council acknowledges that the first draft of the S106 Agreement published on the Planning Portal did not contain all highway obligations, however it is confirmed that the final version will secure the Monitor and Manage Strategy which, once finalised, will cover all necessary routes.

One further point raised in the objection letter relates to an understanding that the Foscote Parish Meeting has with regards to construction traffic being routed along the A413 through Akeley. At present the routing of construction traffic has not been agreed with the applicant, however the Council would want construction traffic routed along the primary routes in order to access the site, one of which could be the A413, which forms part of the strategic highway network within the County.

Mindful of the above, having reviewed and considered the second responses received from the Maids Moreton and Foscote Action Group, The Transportation Consultancy and Foscote Parish Meeting, the Council's recommendation has not changed and the development remains acceptable in highway terms.

## **8. Response of Applicant's Highway Consultants (Crofts) to the objections by The Transportation consultancy TTC) on behalf of the MMFAG**

### Access

Reference is made in the TTC report to the lack of detail provided for the proposed site access on Foscoote Road. However BCC were satisfied with the general design and accepted that details would be worked up at detailed design stage. No further commentary is therefore deemed necessary.

The TTC report also raises concerns with the secondary access from Walnut Drive and its potential impact on on-street parking in that location. To determine the extent of existing parking in the area, an independent parking survey was commissioned and the design of the junction took account of these practices. The submitted plan provided much more detail than would normally be required at this stage of an application and demonstrated that sufficient junction visibility could be achieved in both directions without the reliance of any third party land and was deemed acceptable by BCC.

In regard to the overall design of the mini-roundabout junction, it should be noted that larger vehicles, such as HGV's will be able to carry out their manoeuvres with greater safety than they currently do, due to increased geometry available and visibility. This is likely to have a positive impact on road safety.

The point raised in relation to safety and vehicles at neighbouring properties which will effectively be 'reversing out' of their driveways is not accepted. This point is in direct conflict with the Highway Code, which advises that vehicles should reverse off of the highway so that the reversing manoeuvre is visible to other highway users, rather than emerging from a driveway in reverse, where the vehicle may not be as visible to others on the highway. This matter was acknowledged during a site visit undertaken by BCC and a Traffic Management Officer from Thames Valley Police and is not therefore considered to be a valid reason for objection.

Quite simply the mere presence of the new junction has potential to slow traffic along Main Street and therefore could actually improve the current situation for residents having to join the main road from their individual property or driveway. The warning signage proposed as part of the design meets current standards and therefore is deemed to be sufficient and appropriate.

On a slightly different point, but nevertheless one of the objections raised, concerns have been raised in respect of the impact of highway changes on the character and appearance of the conservation area. In this regard, the applicants have been advised that the detailed design of the S278 works in this area should be informed by Aylesbury Vale's document 'Highway Protocol for Conservation Areas' and that furthermore the S278 works will require a Quality Audit by the Highway Authority. As such, the final scheme will be sympathetic to the current surroundings and any impact in this regard will be minimised.

A further point was raised in relation to the lack of footway provision along part of Main Street. It should be noted that residents at the development will not be reliant on the use of Walnut Drive/Main Street to access the bus stops and other local facilities located there. Many will choose the use the existing link between the site and Main Street, which is proposed to be improved as part of the proposals, thus providing a safe alternative route, should people to use it.

Whilst not located in the area, it is worth noting that in respect of another application site, Vicarage Road, Gresford (Appeal Ref APP/H6955/A/15/3095184) which had a similar issue in terms of pedestrian connectivity and safety, the Inspector reported that; *“There are no footpaths along Vicarage Lane and there is a high level of on-street parking between the site and the junction with Chester Road to the north. The Council is concerned that this does not provide a safe route for pedestrians from the site to the local shops and bus stops on Chester Road. It is clear from the discussion at the hearing that existing residents on the site walk or use mobility scooters between the site and Chester Road and I observed staff from the Hall and local residents walking along Vicarage Lane, as I also did. Whilst it would be preferable to segregate pedestrians from the main highway the Council confirmed this was not possible. Notwithstanding this, the route is within a 30mph area and the nature of the road together with the parked cars actively slow vehicles. Pedestrians do have to be more aware of the traffic when using a shared surface rather than when there is a dedicated footway and I accept that some residents may choose not to walk to local services. However, I do not consider the situation to be significantly different from numerous roads in rural settlements. Furthermore, I do not consider that the increase in the use of Vicarage Lane by pedestrians as a result of the proposed development would be so significant as to be detrimental to highway safety”*.

It can therefore be concluded that in respect to this development, while the situation would not be ideal, the provision of new links and the upgrading of existing footways, where appropriate, will go a long way to improving pedestrian linkages and road safety in the area.

### **Accessibility by Non-Car Modes**

The sustainable accessibility credentials of the site have been the focus of many of the objections and in that regard the National Planning Policy Framework is clear. At paragraph 103 it states that: *‘Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’*

The potential for sustainable travel cannot therefore be based purely on the fact that a site is located within a rural, ‘countryside’ setting, this is often the case when reviewing the local facilities and amenities within villages.

Allowances should therefore be made in respect to these situations, as clearly, such locations will never benefit from the same level of public services and day to day facilities, as would be the case in a town centre or more urban setting.

### *Public transport*

The other issue raised with the accessibility by non-car modes, particularly the lack of a regular bus service in the village and the proposed footway improvements along Foscombe Road, which link into the site access.

The TA acknowledged the limited bus services available and this was addressed by a commitment from the applicant to make a public transport contribution, to ensure existing services could be improved to give residents a choice about how they travel.

Since the original application was submitted, it is noted that Arriva's route 60/60X service from Maids Moreton has ceased operating (July 2019). Following this, the Applicant has agreed to make an additional financial contribution, over and above that previously agreed. The funding will facilitate the provision of hourly bus services during peak hours, which will be a considerable betterment to the existing situation and maintain the locational sustainability of the site.

This is deemed to widen the travel choices to both new and existing residents, and in particular may be of benefit for occupants of the affordable housing on the site, who may not own or have access to a car.

It is acknowledged that many of the roads around the village are single tracked, narrow in places and that passing places are sometimes limited.

#### *Footway Improvements*

It is acknowledged that many of the roads around the village are single tracked, narrow in places and that passing places are sometimes limited.

It is reasonable to suggest that such roads are in keeping with the surrounding environment, can help to promote low traffic speeds and provide ideal routes for walking as a leisure activity. To that end, it was initially considered that formal pedestrian access via Foscoote Road was not required, given the provision at the Walnut Road access and the additional link which extends from the site and connects with Main Street (that will be upgraded).

Following discussions with the LHA however, it became apparent that the need to provide access 'to all users' would only be satisfied, if a new footway was provided, to effectively 'plug the gap' in provision between the site and the village. Existing provision currently terminates at the junction of Foscoote Road and Manor Park.

As such, the proposed footway and associated highway works were discussed at great length with BCC and underwent numerous iterations before they were deemed acceptable. Swept path analyses were undertaken following the Road Safety Audit and the design was based on topographical mapping to ensure that the proposed works could be delivered. Further engagement with the local authority will take place as part of the detailed design and technical approval stage.

Much has been made in the objection documents as to whether such a footway could actually be delivered given the topographical and other constraints and indeed, as indicated on the submitted plan, some of the new provision may not quite meet the desired footway width of 2 metres, as would be the case in a more in a less restricted location.

Notwithstanding the above, the proposed footway along this location will significantly improve the existing situation, extend the existing provision and thus will have potential to improve general road safety. The incorporation of the one-way priority section will have a calming influence on traffic speeds and assist in creating a more pedestrian friendly environment, with ample refuge areas i.e. the new footway, for pedestrians to distance themselves from passing traffic, if necessary, which is not available at present.

It is also interesting to note that the latest updated NPPF document continues to provide guidance on the same key themes for Local Authorities when preparing Development Plans and associated Policies, with a presumption in favour of sustainable development unless any adverse impacts of

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

The proposed new footway along this stretch of Foscoate Road improves an existing situation and contributes to improving safety in the area, particularly for pedestrians.

It is therefore clear from the NPPF that development:

- Should be assessed with a presumption in favour of approval.
- Should be capable of being accessed satisfactorily with safe and suitable access provided for all.
- Should be sustainable, with preference given to accessibility by sustainable modes of transport.

### ***Traffic Impact Analysis***

Various concerns are raised in regard to the junction modelling undertaken in the TA, including the Stratford Road/College Road junction. The junction modelling was subject to detailed analysis by both Croft and BCC themselves and ultimately the LHA were satisfied that the proposed monitoring program would allow them to identify any traffic related issues with measures that could be implemented should the need arise.

Notwithstanding the above, Croft worked closely with the officer at the LHA to ensure that additional information was provided where required, so that several different potential impacts could be established.

Many aspects of transport planning are subject to various permeations, such as how many residents will own cars and drive, which route drivers may take for commuting purposes and whether those choices would be the same if forming a leisure or shopping trip. The submitted TA and subsequent analysis therefore endeavoured to utilise all forms of tools available such as the TRICS database, and junction modelling software, all of which may, to some extent have their limitations.

However, following detailed discussions and additional analysis Croft were able to satisfy the LHA in demonstrating that the proposals would not give rise to any significant highways issues and in any event could not be considered to be severe, as is the test set out in paragraph 109 of the NPPF which states that:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The matters raised in relation to junction modelling has been dealt with in detail by the LHA officer and it can be concluded that all matters relating to junction capacity and operation have been satisfactorily addressed.

The objections highlighted that concerns have also been raised in relation to the size and location of this development and that it will generate unacceptable traffic along what they consider to be unsuitable roads and there is not sufficient capacity in the adjoining rural network serving the area to accommodate the anticipated increase in vehicular travel.

The additional work undertaken included further capacity assessments of the junctions within the village and despite the increase in flows in some instances (based on the local residents surveys)



the fact is that no capacity problems were identified and this was confirmed by the revised capacity assessments, which showed the results continued to demonstrate that the junctions would continue to operate with substantial reserve capacity and would not give rise to any highway impact issues.

Comments were also made in regard to the remaining junctions, which are:

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

In light of BCC's detailed and comprehensive response, no further commentary is deemed necessary, as it is considered that these matters have been satisfactorily dealt with by the LHA.

Furthermore, it is clear that all of these matters can be dealt with by potentially re-wording some of the developer obligations set out in the Section 106 Agreement.

In each instance, while reference has been made to their unsuitability (Main Street and Walnut Drive Mini Roundabout), potential to worsen traffic conditions elsewhere on the network (A422 Stratford Road/College Farm Road Junction), lack of effectiveness to improve capacity (Moreton Road junction with the High Street (Old Gaol)) and unclear benefits to residents (Crossing on the A422 Stratford Road), it is Crofts view that all proposed schemes will have a positive benefit on road safety when considered in the round.

#### General Points

Notwithstanding the objections received, it cannot be ignored that the site and its environs have been subject to intense scrutiny and examination as part of this application and despite any identified short comings, the site is proposed to be allocated in the emerging VALP for development.

As set out in the Public Reports Pack, it is acknowledged that there would be significant benefits in terms of both the contribution to housing supply and affordable housing (30%), as a result of population growth and also considerable benefits from investment in construction and the local economy.

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

With consideration to the characteristics of worker groups, the construction of the development will involve a mixture of different construction worker disciplines including specialist contractors, general civil engineering workers and wide range of tradesmen. While it is likely that specialist contractors will be sourced from beyond the daily commutable catchment, general civil engineering workers would be employed by the contractor or sub-contractor to undertake the majority of the works. This group of workers would be an unskilled or semi-skilled labour force originating from the locality or surrounding area.

In regard to the location of the development, the potential to travel by sustainable forms of transport, once the proposed improvements are in place, as well as the agreed offsite works, it is

reasonable to assume that there is no reasons to justify the refusal of the application on highway or sustainability grounds.

As confirmed in the Public Reports Pack, *"...it is considered that the site is sustainably located and furthermore the site is recognised in the emerging VALP as being a sustainable location for development"*.

To that end, a Full Travel Plan will be implemented at the site so sustainable travel can be encouraged and maximised, thus meeting the aspirations of both local and national planning guidance. Such an obligation will be secured as part of the S106 legal agreement.

#### Conclusions

Having reviewed the objections received from various sources, it is considered that on balance and subject to all the extensive mitigation measures proposed, as required by the Section 106 legal agreement and conditions, it is considered that the development would accord with the aims of the relevant Policies of the AVDLP, SPG on car parking and the NPPF.

Furthermore, it has been demonstrated that the development could be delivered without causing undue harm to highway safety and convenience and indeed brings with it numerous benefits that would serve not only new residents at the development, but be beneficial to the wider local community as well.

It can therefore be concluded that all highways and transport matters should be afforded neutral weight.