

22<sup>nd</sup> March 2012

Miss G Care  
Barton Willmore  
The Observatory  
Southfleet Road  
Swanscombe  
Kent  
DA10 0DF1

Our Ref: APP/K0425/A/11/2154070  
Your Ref: 16978/A5

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY HARBOUR CASTLE LTD  
AT LAND AT PARK MILL FARM, PRINCES RISBOROUGH, HP27 9HN  
APPLICATION: REF 10/07225/OUTEA**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr John Papworth DipArch(Glos) RIBA, who held a public local inquiry between 6 – 21 December 2011 into your client's appeal against a decision of Wycombe District Council to refuse outline planning permission for 380 – 400 dwellings, up to a maximum of 896 sqm of Class B1(a), up to a maximum of 224 sqm of Class A1 (Shops) and/or Class A2 (Financial and Professional Services) and/or Class A3 (Restaurants and Cafes) and up to 13.5 hectares of public open space comprising 2 tennis courts, 2 Multi Use Games Areas, 5 Local Areas for Play, 2 Local Equipped Areas of Play, 1 Neighbourhood Equipped Area of Play, 2 playing pitches, sports pavilion up to a maximum of 169 sqm, floodlighting, community woodland, orchard and allotments at land at Park Mill Farm, Princes Risborough, HP27 9HN in accordance with application number 10/07225/OUTEA, dated 6 October 2010.
2. On 21 June 2011, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990. The reason for this was because the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares which would significantly impact on the Government's objective to secure a better balance between housing

demand and supply and create high quality, sustainable, mixed and inclusive communities.

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

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

### **Procedural Matters**

4. In reaching this position the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Having had regard to the Inspector's comments at IR7, the Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

### **Stopping-Up Orders**

5. The Inspector also considered whether or not two related draft Orders should be confirmed, under Section 247 of the Town and Country Planning Act 1990, authorising the stopping-up of two lengths of footpaths at Church Path Railway Crossing and at Mount Way Railway Crossing. These Orders fall to the Secretary of State for Environment, Food and Rural Affairs to consider and her decision letter will be issued separately.

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

6. Following the close of the inquiry, the Secretary of State received representations from the Rt Hon John Bercow MP (dated 20 December 2011 and received on 22 December 2011), David Lidington MP (dated 20 December 2011 and received 22 December 2011) and Jon Lambert of Berkeley Strategic Land Ltd (dated 3 February 2012). The Secretary of State has given careful consideration to these representations, but he does not consider that they raise any new issues which would affect his decision or require him to refer back to parties prior to reaching his decision. Copies of the correspondence are not attached to this letter but may be obtained on written request to the above address.

### **Policy considerations**

7. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

8. In this case, the development plan comprises the South East Plan 2009 (SEP), the saved policies of the Wycombe District Local Plan to 2011 (LP), and the Wycombe Development Framework Core Strategy (2008). The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the Inspector at IR22 – 24.
9. Other material considerations which the Secretary of State has taken into account include Planning Policy Statement (PPS) 1: *Delivering Sustainable Development*; PPS3: *Housing*; PPS7: *Sustainable Development in Rural Areas*; Planning Policy Guidance (PPG) 13: *Transport*; ODPM Circular 11/95: *The Use of Conditions in Planning Permission*; Circular 5/2005: *Planning Obligations*; and the *Community Infrastructure Levy (CIL) Regulations 2010 and 2011*. He has also had regard to the documents listed by the Inspector at IR25 and IR28.
10. The draft National Planning Policy Framework which was published for consultation on 25 July 2011 is a material consideration. However, as this is a consultation document and is subject to change, the Secretary of State has afforded it little weight.
11. The Secretary of State considers that the revocation of Regional Strategies has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the South East Plan is formally revoked by Order, he has attributed limited weight to the proposed revocation in determining this appeal.

### **Main issues**

12. The Secretary of State's consideration of the main issues in this case are set out below.

#### **The Effect of the Development on the Supply and Location of Housing in General, Including Affordable Housing, and Specifically in Furtherance of Policy Aims for Princes Risborough.**

13. The Secretary of State sees no reason to disagree with the Inspector's analysis at IR107 – 115. In common with the Inspector, he concludes that there is a sufficiently robust case made for there being a five year supply of housing land across the District (IR113), and that there does not appear to be a compelling reason to look at an area less than the District with regard to performance against PPS3 requirements (IR114). For the reasons given by the Inspector (IR115), he too concurs with the appellant's views on the relative importance to this appeal of the five year supply question and the future of the SEP. Having had regard to the Inspector's comments at IR116-117, the Secretary of State agrees with him that limited weight can be attached to the site's allocation under saved policy H2 of the LP.
14. The Secretary of State has taken account of the Inspector's remarks about the background to CS policy CS6 and, like the Inspector, he has gone on to consider the extent to which the appeal proposal meets each of the 6 headings within the policy (IR118 – 121). Having had regard to IR122 – 139, he agrees with the Inspector's conclusions at IR140 -141. In common with

the Inspector he concludes overall that, if there is a need for housing development of this size, the site represents a reasonable choice, subject to linkages with the town centre, but that there are significant doubts as to the need for this size of development and over its effect on that which Policy CS10 seeks to protect, the character of a small market town, markedly different to its larger neighbours (IR141). Like the Inspector, he considers that with reference to Policy CS6 and having regard to the other policies, his conclusion in this main consideration is not in favour of this scale of development, in this location, at this time (IR141).

#### The Effect of the Development on Policy Aims of Achieving Sustainable and Inclusive Forms of Development.

15. The Secretary of State has taken account of the Inspector's remarks at IR142 – 149 and he agrees that the headings set out at IR149, which were used by the Inspector who determined an appeal relating to this site in 2007, are appropriate to the present appeal (IR149). Having had regard to the Inspector's analysis at IR150 – 175, the Secretary of State agrees with the eight key findings set out at IR175 and with his overall conclusions on this issue at IR176 – 177. Like the Inspector, the Secretary of State considers that, whilst the alternative route proposed by the appellant would be satisfactory in itself, the development would appear attached to, but not part of, the settlement. He agrees with the Inspector (IR176) that an opportunity would have been lost to fully integrate the development with the town from the outset, for the benefit of both new and existing residents and users of the footpaths and that, whatever the merits of the alternative route, it fails to address the loss and inconvenience that would be felt by existing users and significant weight attaches to this in terms of tourism, leisure and social integration. He also shares the Inspector's view that, even with the crossings retained, the resulting development would risk not achieving the aims in CS policies CS6 and CS20 and that the closure of the crossings would make the failure on those counts that bit more acute (IR177).

#### The Effect of the Development on Agricultural Land.

16. Having had regard to the Inspector's comments at IR178 – 181, the Secretary of State agrees with him that the effect of the development on agricultural land is a matter to be taken into account in the planning balance (IR181).

#### The Effect of the Development on Highway Safety and the Free Flow of Traffic.

17. The Secretary of State agrees with the Inspector's analysis at IR182 – 186, and he also concludes that the proposals are consistent with the Local Transport Plan as sought in CS Policy CS16 and would accord with the aims of Policy CS20 in ensuring that the convenience, safety, and free flow of traffic using public highways are not adversely affected (IR187). He further agrees that the requirements of LP Policy T13 would be satisfied in the works to mitigate the effect of the traffic and encourage non-motorised transport (IR187).

### Conditions

18. The Secretary of State has considered the proposed conditions, the Inspector's comments at IR96 -98 and IR202 and national policy as set out in Circular 11/95. He is satisfied that the conditions set out at Annex C to the IR are reasonable and necessary and meet the tests of Circular 11/95. However, he does not consider that they overcome his reasons for dismissing the appeal.

### Obligations

19. The Secretary of State has considered the planning obligations, the Inspector's comments at IR99 – 105 and IR193 and national policy as set out in Circular 05/2005 and the CIL regulations. Like the Inspector, he is satisfied that the obligations satisfy the tests in Regulation 122 of the CIL Regulations and that full weight can be attached to the provisions of the deeds (IR105).

### **Overall Conclusions and Planning Balance**

20. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR188 – 193. He too concludes that, whilst the development would go some way to addressing the needs of the town, including affordable housing, and would further the aims of the Ministerial Statement on Planning for Growth, there would be unacceptable long-term consequences which outweigh the positive aspects of the development (IR192). Like the Inspector, he considers that the loss of the best and most versatile agricultural land is not therefore acceptable in this case (IR192). The Secretary of State concludes that the scheme would be contrary to CS policies CS6, CS10 and CS20 and that it would fail to protect the character and features of Princes Risborough that make it an attractive place in which to live, work and visit.
21. The Secretary of State concludes that the appeal is not in accordance with the development plan and he has found no material considerations of sufficient weight which would justify granting planning permission in this case.

### **Formal Decision**

22. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses outline planning permission for 380 – 400 dwellings, up to a maximum of 896 sqm of Class B1(a), up to a maximum of 224 sqm of Class A1 (Shops) and/or Class A2 (Financial and Professional Services) and/or Class A3 (Restaurants and Cafes) and up to 13.5 hectares of public open space comprising 2 tennis courts, 2 Multi Use Games Areas, 5 Local Areas for Play, 2 Local Equipped Areas of Play, 1 Neighbourhood Equipped Area of Play, 2 playing pitches, sports pavilion up to a maximum of 169 sqm, floodlighting, community woodland, orchard and allotments at land at Park Mill Farm, Princes Risborough, HP27 9HN in accordance with application number 10/07225/OUTEA, dated 6 October 2011.

### **Right to challenge the decision**

23. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
24. A copy of this letter has been sent to Wycombe District Council and those parties who appeared at the inquiry. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

**Christine Symes**

Authorised by Secretary of State to sign in that behalf



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# **Report to the Secretary of State for Communities and Local Government & the Secretary of State for Environment, Food and Rural Affairs**

**by John Papworth DipArch(Glos) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government & by the  
Secretary of State for Environment, Food and Rural Affairs**

**Date: 14 February 2012**

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**TOWN & COUNTRY PLANNING ACT 1990 SECTION 78**

**Appeal by**

**HARBOUR CASTLE LTD**

**Against the Decision of**

**WYCOMBE DISTRICT COUNCIL**

**&**

**TOWN & COUNTRY PLANNING ACT 1990 SECTIONS 247 & 253**

**Draft Orders for the**

**STOPPING-UP OF THE FOOTPATH AT CHURCH PATH RAILWAY CROSSING  
STOPPING-UP OF THE FOOTPATH AT MOUNT WAY RAILWAY CROSSING**

Joint Inquiry held on 6 – 9, 13 – 16 & 20 – 21 December 2011

Land at Park Mill Farm, Princes Risborough HP27 9HN.

File Refs: APP/K0425/A/11/2154070  
FPS/K0425/5/1D  
FPS/K0425/5/2D

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**File Ref: APP/K0425/A/11/2154070**

**Land at Park Mill Farm, Princes Risborough HP27 9HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Harbour Castle Ltd against the decision of Wycombe District Council.
- The application Ref 10/07225/OUTEA, dated 6 October 2010, was refused by notice dated 26 May 2011.
- The development proposed is outline application with all matters reserved for 380 – 400 dwellings, up to a maximum of 896 sqm of Class B1(a), up to a maximum of 224 sqm of Class A1 (Shops) and/or Class A2 (Financial and Professional Services) and/or Class A3 (Restaurants and Cafes) and up to 13.5 hectares of public open space comprising 2 tennis courts, 2 Multi Use Games Areas, 5 Local Areas for Play, 2 Local Equipped Areas of Play, 1 Neighbourhood Equipped Area of Play, 2 playing pitches, sports pavilion up to a maximum of 169 sqm, floodlighting, community woodland, orchard and allotments.

**Summary of Recommendation: The appeal be dismissed.**

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**File Ref: FPS/K0425/5/1D**

**Footpath at Church Path Railway Crossing, Princes Risborough**

- The application for the Order, dated 6 June 2011, was made by Barton Willmore.
- The Order is drafted under Section 247 of the Town and Country Planning Act 1990 and would be known as The Church Path Railway Crossing (Footpath), Princes Risborough Stopping-up Order 201\*.
- The Order would stop-up a length of footpath as shown on the draft Order Map and as described in the draft Schedule.
- When the Inquiry opened there were 52 outstanding objections to the Draft Order.

**Summary of Recommendation: The Order be not confirmed.**

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**File Ref: FPS/K0425/5/2D**

**Footpath at Mount Way Railway Crossing, Princes Risborough**

- The application for the Order, dated 6 June 2011, was made by Barton Willmore.
- The Order is drafted under Section 247 of the Town and Country Planning Act 1990 and would be known as The Mount Way Railway Crossing (Footpath), Princes Risborough Stopping-up Order 201\*.
- The Order would stop-up a length of footpath as shown on the draft Order Map and as described in the draft Schedule.
- When the Inquiry opened there were 52 outstanding objections to the Draft Order.

**Summary of Recommendation: The Order be not confirmed.**

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**Procedural Matters**

*Planning Appeal*

1. The application was in outline with all matters reserved<sup>1</sup>. The description above is the agreed amended one from the Council's Decision Notice and the Statement of Common Ground<sup>2</sup>.
2. The Secretary of State for Communities and Local Government has directed, by letter dated 21 June 2011 that he shall determine this appeal. The reason for

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<sup>1</sup> CD3.1 Application Form

<sup>2</sup> SOCG CD17.1 Paragraph 5.2

this is that the appeal involves development of over 150 units which would significantly impact on the Government's objective to secure a better balance between housing demand and supply, and to create high quality, sustainable, mixed and inclusive communities<sup>3</sup>.

3. Two Deeds under S106 of the Act were presented at the Inquiry and fully discussed. Agreement had been reached on most conditions with dissent clearly indicated and commented on.

#### *Stopping-up Orders*

4. The applications dated 6 June 2011<sup>4</sup> were accompanied by a letter dated 20 June giving further details<sup>5</sup>.
5. Due to the crossings' location and use there is a large degree of overlap in the evidence regarding their future and the proposal to develop the land, notwithstanding the Appellant's stance of being agnostic on the subject; that the development scheme would be acceptable with either closure or them remaining open. Many of the third parties appearing at the Inquiry objected to both the development and the Stopping-up Orders.
6. For these reasons the Stopping-up Orders Inquiry and the planning appeal Inquiry ran concurrently, the evidence is contained within that of the planning appeal and this is a joint Report to the two Secretaries of State concerned.

#### *Generally*

7. The proposal is Environmental Impact Assessment development. The application was accompanied by an Environmental Statement, Technical Appendices and a Non-Technical Summary, and chapters covered Socio-Economic issues, Landscape and Visual Assessment, Ecology and Nature Conservation, Transport and Access, Air Quality and Odours, Noise and Vibration, Water Resources and Flood Risk, Archaeology and Cultural Heritage, Agriculture and Soil Resources, and Ground Conditions and Contamination<sup>6</sup>. A Review of the Assessment found all relevant tasks well performed with no important tasks left incomplete. Accordingly the Assessment fulfils the requirements of The Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
8. A Pre-Inquiry Meeting was held on 14 October 2011 and the notes from this were agreed as a true record at the opening of the Inquiry<sup>7</sup>. The Inquiry sat for a total of 10 days in the Council Offices, 6 – 9, 13 – 16, 20 and 21 December 2011, with an evening session being held to accommodate residents who were unable to attend during the day.
9. Unaccompanied site inspections were carried out after the Pre-Inquiry Meeting, including travel by train over the crossings that are the subject of the Orders. Further unaccompanied visits were made on 5 and 14 December and

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<sup>3</sup> DOC 1

<sup>4</sup> CD4.1 to CD4.5 Application Forms and Plans

<sup>5</sup> CD4.7

<sup>6</sup> CD3.32 to 3.37

<sup>7</sup> DOC 2

opportunity taken to view sites in High Wycombe referred to in evidence. An accompanied visit to the site, the railway crossings and areas of Princes Risborough was carried out on 19 December.

10. The main parties had agreed a list of Core Documents which were available for use by all attendees at the Inquiry and this list was updated by agreement during the event. All Proofs of Evidence and subsequent Rebuttals and Supplementary Proofs are contained in the Core Documents. The list of documents handed in at the Inquiry is consequently limited.

### **The Council's Reasons for Refusal of Planning Permission**

11. The Decision Notice dated 26 May 2011<sup>8</sup> cited seven reasons for refusal and these are set out in full as follows;
- **Reason 1.** A sufficient supply of housing land has been identified to meet the short term requirements of the District and short and longer term requirements for Princes Risborough and the north of the District. The proposed development would be contrary to the spatial strategy of the District by (together with other planned developments) focusing too much development at Princes Risborough. It would fail to give priority to the development of previously developed land over peripheral greenfield sites and would not protect the countryside. Having regard to the claimed benefits of the proposal, and other planned developments in Princes Risborough, there is no overriding need to permit this development. It is therefore contrary to the aims of national, regional and local policy, as set out in Planning Policy Statement 3 and 7, Policy AOSR1 of the South East Plan, Policy H4 (Phasing of New Housing Development) of the Adopted Wycombe District Local Plan, and Policies CS1 (Sustainable Development), CS2 (Main Principles for the Location of Development), CS6 (Princes Risborough) and CS12 (Housing Provision) of the Core Strategy DPD (Adopted July 2008).
  - **Reason 2.** In the absence of an agreed Section 106 obligation, the proposed development would fail to secure adequate and appropriate provision of affordable housing. As such the proposed development would be contrary to national planning policies on social inclusion and affordable housing, policy CS13 (Affordable Housing and Housing Mix) of the Core Strategy DPD (Adopted July 2008) and the Developer Contributions Supplementary Planning Document (Adopted April 2007) and accompanying Developers Guide (March 2010).
  - **Reason 3.** The proposed development would result in an unacceptable loss of some of the best and most versatile agricultural land. The loss would not be outweighed or justified by sustainability considerations or housing supply requirements. As such the proposed development would be contrary to Planning Policy Statement 7 Sustainable Development in Rural Areas.
  - **Reason 4.** The proposed development would unacceptably increase the pressure and exacerbate an existing deficiency regarding, i) transportation requirements, such as traffic regulation orders, a travel plan, traffic calming

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<sup>8</sup> CD3.43

and provision of a bus service; ii) community halls; iii) indoor sport and leisure; iv) environmental schemes; v) education, and; vi) police services. In the absence of a planning obligation to secure either direct provision of or contributions towards the above, the development would be contrary to policies CS16 (Transport), CS20 (Transport and Infrastructure) and CS21 (Developer Contributions to Community Infrastructure) of the Core Strategy DPD (Adopted July 2008), policies T13 (Traffic Management and Traffic Calming) and T16 (Green Travel) of the Adopted Wycombe District Local Plan and the requirements of the Developer Contributions Supplementary Planning Document (Adopted April 2007) and Developers Guide (Adopted March 2010).

- **Reason 5.** The proposed development fails to demonstrate that safe, convenient and attractive access on foot and by cycle can be achieved across the Aylesbury railway line, particularly to link the proposed development directly with the town centre. The absence of such route(s) results in an unsatisfactory degree of integration of the development with Princes Risborough and would fail to improve the interconnectivity between the development and the town. The proposal would not give sufficient encouragement to walking and cycling as an alternative means of transport to the car and raises safety concerns. As such the proposed development would be contrary to Planning Policy Guidance Note 13 Transport, policies CS6 (Princes Risborough) and CS20 (Transport and Infrastructure) of the Core Strategy DPD (Adopted July 2008) and policies T4 (Pedestrian Movement and Provision), T5 (Cycling) and Appendix 2 of the Adopted Wycombe District Local Plan.
  - **Reason 6.** Insufficient information has been submitted with the planning application to enable the highways, traffic and transportation implications of the proposed development to be fully assessed. From the information submitted, it is considered that the additional traffic likely to be generated by the proposal would adversely affect the safety and flow of users of the existing distributor road network. The development would be contrary to Planning Policy Guidance 13 – Transport, Core Regional Policy T1 of The South East Plan and the aims of Buckinghamshire's Local Transport Plan and policies CS16 (Transport) and CS20 (Transport and Infrastructure) of the Core Strategy DPD (Adopted July 2008).
  - **Reason 7.** The proposed offsite works to Longwick Road are considered inappropriate by virtue of their form and alignment which will lead to additional delays, inconvenience and safety issues for users of the highway on an important local distributor road and bus route. The development would be contrary to Planning Policy Guidance 13 – Transport, Core Regional Policy T1 of The South East Plan and the aims of Buckinghamshire's Local Transport Plan, policies CS16 (Transport) and CS20 (Transport and Infrastructure) of the Core Strategy DPD (Adopted July 2008) and policy T13 (Traffic Management and Traffic Calming) of the Adopted Wycombe District Local Plan.
12. An Informative attached to the Notice of Refusal stated that reasons for refusal 2 and 4 *'could be overcome were an appropriate S106 planning obligation or other agreement be secured in respect of the infrastructure and developer*

*contributions that are required in connection with the Council's Adopted Contributions Supplementary Planning Document'.*

13. With regard to reason for refusal 6, the Statement of Common Ground<sup>9</sup> contains the following; *'The Appellant's and Local Planning Authority position is: This matter has been resolved by the submission of further information and can be adequately dealt with by condition. No evidence will be submitted.'*

### **Main Considerations**

14. The main considerations in the planning appeal, as identified at the opening of the Inquiry, or as varied in the light of evidence, are;
- The effect of the development on the supply and location of housing in general, including affordable housing, and specifically in furtherance of policy aims for Princes Risborough. (reason for refusal 1)
  - The effect of the development on policy aims of achieving sustainable and inclusive forms of development. (reason for refusal 1 and 5)
  - The effect of the development on agricultural land. (reason for refusal 3)
  - The effect of the development on highway safety and the free flow of traffic. (reason for refusal 7)
15. With regard to the Stopping-up Orders, the main consideration is;
- Whether the stopping-up of either or both of the paths is necessary in order to enable the development to be carried out.

### **The Site and Surroundings**

16. A written description of the site, its surroundings and context is in the Statement of Common Ground<sup>10</sup>;
- *'Princes Risborough is a small market town situated between Aylesbury and High Wycombe on the western side of Buckinghamshire. The Risborough's Ward (which is made up primarily of the town of Princes Risborough), has a population of just over 8000....and lies between the western slopes of the Chiltern Hills and the Vale of Aylesbury'.* The site lies on the further side of the town from the Chiltern Hills.
  - *'The town of Princes Risborough is located on the A4010, an important primary north-south road that runs from High Wycombe at Junction 4 of the M40 motorway to Stoke Mandeville near Aylesbury on the A413. The A4010 travels straight through the centre of Princes Risborough, meeting the A4129 at a roundabout before turning north-east through Monks Risborough. The A4129 branches off to the north-west at the northern end of the town towards the town of Thame, which lies 11.5km (7 miles) to the west'.* The site is located to the south of the A4129 and the vehicular access is proposed to be onto that road.

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<sup>9</sup> CD17.1 SOCG Paragraph 8.16

<sup>10</sup> CD17.1 SOCG Section 2

- *'The main rail connection to Princes Risborough (fast 45 minutes) is the London to Aylesbury line between London (Marylebone) and Aylesbury, which travels via the Chiltern Hills and which is operated by Chiltern Railways. Birmingham is about an hour and a half and High Wycombe is 10-12 minutes and Aylesbury 20 minutes'. The Princes Risborough – Aylesbury line, on which the Order crossings are located and which abuts the south-east side of the site, is operated mainly as a branch with connections at Princes Risborough to through trains between London (Marylebone), and Bicester, Banbury and Birmingham.*
- *'The Site comprises an area of approximately 24.6 ha of land to the western side of the town. It is bounded to the south east by the Aylesbury railway line, to the south west by the Banbury railway line and Princes Risborough Sewage Treatment Works, and to the north east by the established employment area fronting Longwick Road. To the north and north-west of the site is a poultry farm and open countryside; to the south and east is the main town of Princes Risborough'.*
- *'The Site lies outside the Green Belt and AONB and any other landscape designation. It is intensively farmed arable land. About 87% of the site is classified as best and most versatile agricultural land, of which most is Grade 2 land'.*
- *'To the south-east of the site, beyond the Aylesbury to Princes Risborough railway line, lie predominantly 2 storey residential properties in the western area of Princes Risborough. These include properties in Court Close, Mount Way, Broad Leys and Willow Way. Wades Park, an area of open space containing a sports, community and health centre, lies adjacent to the eastern side of the railway line. The town extends further to the north-east, where it merges with the smaller settlement of Monk's Risborough and to the south-east, towards the Chiltern Hills, which lie approximately 1km from the Site'.*
- *'A number of public rights of way (see Plan)<sup>11</sup> cross the area surrounding the site. These include footpath PRR/41/1, which connects Longwick Village and the site, passing through the eastern area of the site; bridleway PRR/42A/1 which enters the site from the roadway under the railway line in the vicinity of Mill Lane off Summerleys Road. Footpath PRR/2/2 leads east across the site, from the Mill Lane railway bridge, to a pedestrian crossing of the railway line in order to connect to Mount Way in the residential area of Princes Risborough. Bridleway PRR/42A/1 leads north-east across the site to meet bridleway PRR/42/1'. The Mount Way Crossing is the subject of an Order.*
- *'PRR/42/1 continues adjacent to the railway line to connect to Longwick Road and, via another pedestrian crossing of the railway line, over a steep embankment to join with PRR/41A/1 which leads towards the centre of Princes Risborough'. This is the Church Path crossing and is the subject of an Order.*

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<sup>11</sup> CD17.1 SOCG Appendix 2

- *'The Aylesbury railway line is on an embankment as it enters the site from the north and this reduces to being at grade southwards as it nears Princes Risborough station. The Banbury railway line is on embankment along the western boundary of the site'.* The nature of the topography is shown on the survey plan<sup>12</sup>, alongside the site boundary the railway appears to descend at a constant gradient from the north, that is to say from the Aylesbury direction, the result being that the Church Path crossing requires a climb up to the formation level, whereas the Mount Way path requires a lesser amount of steps down to the formation. There is a length of approximately equal ground and formation levels between the two crossings, abutting Wades Park. This topography in relation to the railway formation level is pertinent to consideration of the utility of the existing crossings and other options.
  - *'Princes Risborough contains a range of community facilities including schools at all levels, health centre, doctors' surgery, sports hall, vets and dentists. There are many shops in the town centre including a Marks and Spencer Simply Food and W.H. Smith. Tesco provides for convenience shopping and a number of small shops provide for day to day needs and there is a weekly market. Princes Risborough railway station is about 800m from the nearest point on the southern boundary of the site'.* The location of these is shown on the map in Appendix 3 of the Statement of Common Ground. The routes to these various facilities is at the heart of the second main consideration in the planning appeal and hence consideration of the Stopping-up Orders.
17. The Design and Access Statement (Revised)<sup>13</sup> contains a more detailed analysis of the site's context as follows;
- Site location and connections including maps showing the site within the context of the High Wycombe/Aylesbury/Thame area and the town of Princes Risborough itself.
  - Character of the surrounding area; existing land use and rights of way, topography and watercourses, landscape character and vegetation, site landscape features and views.
  - Ecology, built environment, access and movement, sewage infrastructure, other key services, flooding and noise.
  - In particular, a useful series of views into and from within the site appears at pages 20 – 23, with a key map on page 21, and there is an aerial view at page 35 that shows the grain of built form and open space in the vicinity.
18. The Environmental Statement<sup>14</sup> has more detailed photographic views of the site and its context.
19. In addition, the Statement of Common Ground<sup>15</sup> sets out the position regarding restrictive covenants on land bordering the Princes Risborough –

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<sup>12</sup> DOC A5

<sup>13</sup> CD3.20 Section 4

<sup>14</sup> CD3.35 Appendix 10

Aylesbury railway line which, it is stated, *'might be breached by a change in use from that related to a dwelling house to any other use such as a bridge crossing or underpass'*.

20. With regard to the railway crossings at Church Path and Mount Way, reference has been made above to the topographical relationship of each with the site. Photographs of the crossings and their approaches can be found in the following documents;
- Design and Access Statement<sup>16</sup>, Page 22, Photograph 2, standing at the east side of the Mount Way crossing looking across the railway to the steps on the west side leading to the site.
  - Environmental Statement, Technical Appendix 10.12<sup>17</sup> contains an appraisal of the Mount Way crossing and includes photographs of the crossing and its context.
  - Environmental Statement, Technical Appendix 10.12<sup>18</sup> also contains photographs of both the Church Path crossing and the Mount Way crossing, showing the approaches and the crossing over the track in each case.
  - Tim Allen Proof of Evidence<sup>19</sup> shows the visibility and access to both crossings with a commentary as to their condition.

## Planning Policy

21. At the date of the Inquiry and the writing of this Report, the Development Plan includes The South East Plan 2009 (Regional Spatial Strategy for the South East of England)<sup>20</sup>, the saved policies of the Wycombe District Local Plan to 2011 (adopted in 2004)<sup>21</sup> and the Wycombe Development Framework Core Strategy (2008)<sup>22</sup> as set out in the Statement of Common Ground<sup>23</sup>. That document lists a number of policies at each level that will have informed the design of the development and the Council's consideration of the proposals. Those referred to in the reasons for refusal and in evidence are as follows;
22. *The South East Plan*
- *Policy WCBV3 Western Corridor and Blackwater Valley, Scale and Distribution of Housing Land* This area includes the southern part of Wycombe District (the northern part including Princes Risborough, is outside any sub-region). The Plan states that local authorities will allocate sufficient land and facilitate the delivery of 654,000 new homes across the South East between 2006 and 2026 (32,700 per annum). Within the South East Plan Wycombe District's housing target for the period 2006 to 2026 is

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<sup>15</sup> CD17.1 SOCG paragraphs 2.33 – 2.35

<sup>16</sup> CD3.20 Section 4.2

<sup>17</sup> CD3.35 Appendix 14, Mott MacDonald Mount Way Level Crossing Report

<sup>18</sup> CD3.35 Transport Assessment Page 21

<sup>19</sup> CD21.3 pages 34 and 35

<sup>20</sup> CD7.2

<sup>21</sup> CD8.3

<sup>22</sup> CD8.1

<sup>23</sup> CD17.1



7,800 which equates to 390 dwellings per annum. Policy WCBV3 indicates that of the 390, 350 should be within that part of the Wycombe District that falls within the Western Corridor and Blackwater Valley.

- *Policy AOSR1 Areas Outside Sub-Regions, Rest of Buckinghamshire, Oxfordshire and Berkshire* The policy states that 800 dwellings (40 per year) are to be provided in the remainder of the Wycombe District outside of the WCBV: the 'Rest of the District'. This area includes Princes Risborough and a number of other smaller settlements.
- *Policy T1 Manage and Invest* seeks plans and policies which encourage development that is located and designed to reduce average journey lengths and a re-balancing in favour of sustainable modes as a means of access to services and facilities.
- *Policy BE4 The Role of Small Rural Towns ('Market Towns')* the viability of such towns should be strengthened through schemes and proposals, reinforcing the role as local hubs for employment, retailing, community facilities and services. Community-led local assessment of need and action planning should be encouraged. There should be provision of sufficient housing in small rural towns (especially affordable housing) where this would reinforce and develop the distinctive character and role of the town and meet identified needs.

### 23. *The Wycombe District Local Plan to 2011*

- *Policy H2* refers to meeting the Structure Plan housing requirement and identifies sites for residential development 2001 – 2011. The list of sites is split between the 'High Wycombe urban area' and the 'remainder of the District' and site (k) is described as Park Mill Farm with a guideline capacity of 570 dwellings, of which 350 should be constructed before 2011. The Policy was saved by direction of the Secretary of State on 26 September 2007. The Statement of Common Ground states that *'within the list provided to the Secretary of State that specified which policies the Council wanted to see saved, the Council indicated that they wished to retain Policy H2 (a) – (g) and (i) and (j). They did not seek to save Policy H2 (k) (Park Mill Farm site), but were informed by the Government Office for the South East (GOSE) that this selective approach was not permissible. The Secretary of State subsequently saved the entire policy. This means that the Park Mill Farm housing allocation remains in force, until it is superseded by the relevant DPD – that being the Core Strategy Review'*

The Council notes that the appeal site does not occupy the whole of the allocation and also embraces some land which was not allocated.

- *Appendix 2 Development Principles: Park Mill Farm.* The Appendix has an introduction that refers to eleven strategic sites and states that specific environmental testing has meant that large amounts of information have already been gathered on these sites and the requirements for development, although not completed, are at an advanced stage. Detailed advice on how development of the sites will proceed was to be included in Development Briefs, but none exists for the appeal site. The Development Principles are stated to be in order to assist developers and landowners to

understand the range of requirements at an early stage. The Development Principles are not an exhaustive or definitive list but are a starting point.

Expected Requirements for Development included;

*The main area of open space should be adjacent to Wades Park*

*Secondary access (for emergency vehicles, buses and also for general traffic in an emergency situation) to Summerleys Road.*

*A local distributor road, incorporating a loop road, between the two accesses (suitable for buses, and with signals controlling vehicles through the bridge under the Banbury railway line if necessary).*

*Improvement to the Longwick Road and New Road arms of the Longwick Road roundabout.*

*Improved footway/cycle track along Longwick Road (with link from development at the north-east corner).*

*New high quality pedestrian and cycle route(s) across the Aylesbury railway line to include a route across Wades Park to give access to the town centre.*

*Shared pedestrian/cycle subway under Banbury railway line.*

*Start up of bus service to link with the town centre and the railway station and extended hours of operation for existing services along Longwick Road.*

- *Policy H4* seeks to ensure that priority is given to the development of previously developed land and buildings by indicating that planning permission would not be granted for the development of the two allocated greenfield sites, Park Mill Farm and Terriers Farm, until 6 months before the start of the second phasing period (i.e. 1st October 2005). The policy re-emphasises that the allocations contained within Policy H2 are subject to review.
- *Policy T4* states *all development and associated highway proposals should provide for safe, direct, convenient and attractive means of movement on foot, including (where appropriate) links with any existing rights of way and suitable future connections with the local and strategic footpath network of the district.*
- *Policy T5* on cycling says *when assessing development and associated highway proposals, safe, direct, convenient and attractive provision for cyclists will be sought, and may include; (a) detailed traffic management and traffic calming schemes to ensure both cyclists' safety and priority movement.*
- *Policy T13* on traffic management and traffic calming seeks the safe and convenient movement of pedestrians and cyclists as well as for people in cars.
- *Policy T16* requires the development and implementation of green travel plans.

#### 24. Wycombe Development Framework Core Strategy

- Within a Section entitled 'What Are We Trying to Achieve' is the shared vision, derived from the Community Plan for Wycombe District (2005) which imagines the future in 2026; *'Princes Risborough has become the natural centre for the north of the District, still retaining the bustling market town environment with improved local facilities and services. The town has seen regeneration and change, particularly in economic terms, but also new housing within the town that has secured its long-term vibrancy'*.
- *Policy CS1* states the overarching principle of sustainable development achieving high quality environments for the present, and protecting the quality of life of future generations.
- *Policy CS2* states that the principal focus for new development will be High Wycombe (including the adjoining settlements). At Marlow, Princes Risborough and the other smaller settlements identified in *Policy CS7 'Rural Settlements and the Rural Areas '*, development will be on a smaller scale and of a character commensurate with the size and relative sustainability of the settlements.
- *Policy CS6* is specific to Princes Risborough and sets out how it will be strengthened as a vibrant market town at the heart of a network of sustainable communities. In particular, *'identify specific opportunities to provide a minimum of 480 new dwellings (possibly as part of mixed use developments), particularly affordable housing including homes catering for the needs of younger people. Reinforce the strength of local schools and provide facilities and services for young people in the town'* and improve the vitality and viability of the town centre. The policy further states the aim to *'create a simple structure for the town, maintaining the accessibility of the town centre and improving the interconnectivity between key parts of the town.'* Delivery is to be, among other measures, through the Site Allocations Development Plan Document (DPD).
- *Policy CS8* Identifies reserve locations for future development that includes Terriers Farm, the other greenfield site mentioned in Local Plan Policy H4, but not Park Mill Farm.
- *Policy CS10* Sets out the Town Centre Hierarchy with High Wycombe being the main comparison shopping destination for the District as a whole, and in places such as Princes Risborough the town centres should be important service centres serving their rural catchment areas. Development in these centres should not seek to serve residents in other towns, or rural areas outside their primary catchment area.
- *Policy CS12* seeks provision of 8,050 additional dwellings in the District in the period 2006-26 (402.5 dwellings per annum (dpa)). Of these, provision of 7,240 dwellings (362 dpa) to be in that part of the District within the Western Corridor and Blackwater Valley sub-regional area and 810 dwellings (40.5 dpa) to be provided in the Rest of the District. It is of these that *Policy CS6* states the 480 dwellings (24 dwellings per annum) to be provided in Princes Risborough.

- *Policy CS13* requires affordable housing provision on sites 15 units and over at a rate of 40% of bed-spaces for greenfield sites (and 30% otherwise).
- *Policy CS16* on Transport seeks consistency with the strategies and policies of the Buckingham Local Transport Plan<sup>24</sup> and development proposals must be assessed for their impact on all aspects of the transport system, including public transport and the trunk and local road networks.
- *Policy CS20* on transport and infrastructure states that development proposals will be expected to *'provide safe, convenient and attractive access on foot and by cycle, making suitable connections with existing footways, bridleway, cycleways, local facilities and public transport so as to maximise opportunities to use these modes. Ensure that the convenient use and enjoyment of existing public rights of way such as footpaths and bridleways are not affected by development.'*
- *Policy CS21* states that where implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency in their provision, the developer will be expected to make such provision.

25. *Supplementary Planning Documents (SPD) and Other Local Documents*

- *Developer Contributions Supplementary Planning Guidance (October 2011)*<sup>25</sup> provides detailed guidance on how Core Strategy Policies CS13 and CS21 will be implemented. There is reference to the five tests in Circular 5/05 *Planning Obligations (2005)*<sup>26</sup>, to *Planning Obligations Practice Guidance (DCLG 2006)*<sup>27</sup> and to Regulation 122 of the *Community Infrastructure Levy Regulations*.
- *Developers Contributions, Developers Guide (October 2011)*<sup>28</sup> is described in the SPD as a companion document that the SPD should be read in conjunction with.
- *Emerging Delivery and Site Allocations Development Plan Document*<sup>29</sup> Paragraphs 4.23 – 4.28 of the Statement of Common Ground set out the situation regarding housing land allocations as at the date of the Inquiry. This section concludes with the agreed statement *'This means that issues relating to housing target setting, including the housing target for Princes Risborough, and related strategic housing issues such as the need for strategic housing site releases will be considered in the Core Strategy Review, referred to above, in the period late 2012-2016.'*
- *'The Risboroughs 2035, a Town Fit for a Prince'*<sup>30</sup> is described as a *'vision developed by the community for the community, with the support of the County, District and Town Councils and Risborough Area Community Action.*

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<sup>24</sup> CD10.1, 10.19 & 10.20

<sup>25</sup> CD8.14

<sup>26</sup> CD6.28

<sup>27</sup> CD6.39

<sup>28</sup> CD8.15

<sup>29</sup> CD8.20 – 8.23

<sup>30</sup> CD8.9

*David Lock Associates and Integrated Transport Planning have facilitated the process.* The purpose of the study is said to be to create a 30 year vision that will secure the sustainable economic, social and environmental development of the Risborough area. It goes on to say that *'the report contains lots of ideas but few firm proposals.....the intention being to promote debate.....with the benefit of a sound understanding of current and likely future issues.'* References to the appeal site include at 7.44 the possibility of Wades Park expanding westwards in conjunction with any development for the Park Mill Farm site. Paragraph 8.14 refers to the community and their stakeholder representatives being fully aware of proposals for *'large scale development of Park Mill Farm'* and reported the general reaction that this is *'too much development, too quickly and in the wrong place to become a fully integrated part of the existing urban area. The railway line imposes too much of a constraint on the potential of the new development to support wider revitalisation'*. There was also fear concerning further development once the line of the railway had been breached. A Local Sequential Approach placed redevelopment sites in the urban area first, infill sites within the urban envelope second and only when opportunities on these sites has been exhausted should greenfield sites be investigated, if needed.

26. *National Planning Policy* is contained in the following;

- Planning Policy Statement 1 *"Delivering Sustainable Development"* (PPS1)
- Planning Policy Statement 3 *"Housing"* (PPS3)
- Planning Policy Statement 7 *"Sustainable Development in Rural Areas"* (PPS7)
- Planning Policy Guidance Note 13 *"Transport"* (PPG13)
- *The Draft National Planning Policy Framework* (July 2011) (and associated documents)<sup>31</sup> is intended to bring together existing Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The Statement of Common Ground also refers to the Planning Inspectorate's Advice Note<sup>32</sup> to Inspectors on the consultation document being subject to potential amendment and that it is capable of being a material consideration.

27. With regard to the Stopping-up Orders, Section 247 *Highways Affected by Development: Orders by Secretary of State* of the Town and Country Planning Act 1990 states;

- The Secretary of State may by Order authorise the stopping-up or diversion of any highway [outside Greater London ] if he is satisfied that it is necessary to do so in order to enable development to be carried out (a) in accordance with planning permission granted under Part III [ or section 293A ]or (b) by a government department.

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<sup>31</sup> CD6.19 – 6.21

<sup>32</sup> CD6.22

28. *Other Documents Referred to*

- *The Plan for Growth*<sup>33</sup> (March 2011)
- Letter to Chief Planning Officers (31 March 2011) *Planning for Growth*.<sup>34</sup>
- *Demonstrating a 5 Year Supply of Deliverable Sites*<sup>35</sup>
- *Strategic Housing Land Availability Assessments – Practice Guidance*<sup>36</sup>
- *Strategic Housing Market Assessments – Practice Guidance Version 2*<sup>37</sup>

## **Planning History**

29. This is set out in the Statement of Common Ground as follows<sup>38</sup>;

- *'The main relevant planning application is 06/05685/OUTEA that sought outline planning permission for residential development with access from Longwick Road and associated open space and landscaping. The application was the subject of a non-determination appeal that was dismissed by a Planning Inspector on 14 June 2007'*<sup>39</sup>.

30. Table 1 of Section 3 of the Statement of Common Ground lists other applications variously for storage of timber, development in association with horse activities, repair and maintenance of agricultural machinery and other matters which are not related to the development now proposed.

## **The Proposed Development**

31. The Statement of Common Ground agrees the following description;

*Outline application with all matters reserved for 380 – 400 dwellings, up to a maximum of 896m<sup>2</sup> of Class B1(a), up to a maximum of 224m<sup>2</sup> of Class A1 (Shops) and/or Class A2 (Financial and Professional Services) and/or Class A3 (Restaurants and Cafes) and up to 13.5 hectares of public open space comprising 2 tennis courts, 2 Multi Use Games Areas, 5 Local Areas for Play, 2 Local Equipped Areas of Play, 1 Neighbourhood Equipped Area of Play, 2 playing pitches, sports pavilion up to a maximum of 169m<sup>2</sup>, floodlighting, community woodland, orchard and allotments.*

32. Section 5 of the Statement of Common Ground sets out the drawings and other information supplied and makes clear at paragraph 5.7 the need to distinguish between those design parameter drawings and tables that are to be specifically determined with this appeal and other information which is informative and not for determination with this appeal. The following parameter drawings are to be determined with the appeal proposals<sup>40</sup>;

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<sup>33</sup> CD6.23

<sup>34</sup> CD6.24

<sup>35</sup> CD6.31

<sup>36</sup> CD6.35

<sup>37</sup> CD6.36

<sup>38</sup> CD17.1 Section 3

<sup>39</sup> CD19 Appeal Decision APP/K0425/A/06/2020104

<sup>40</sup> CD1.4 – 1.8

- 5425 SK27M Parameter Plan: Land Use Option 1 1: 5000 @ A3
  - 5425 SK27M Parameter Plan: Land Use Option 2 1: 5000 @ A3
  - 5425 SK28F Parameter Plan: Building Heights in Storeys 1: 5000 @ A3
  - 5425 SK26F Parameter Plan: Building Heights AOD 1: 5000 @ A3
  - 5425 SK29C Parameter Plan: Density 1: 5000 @ A3
33. Paragraphs 5.9 to 5.17 set out written parameters that are intended to be the subject of conditions;
- Floor Space per Use Class A1 – A3, and B1(a).
  - Public Open Space/Green Infrastructure.
  - New Access Road.
  - Maximum Heights of Buildings and Structures.
  - Maximum Widths of Buildings and Structures.
  - Maximum Lengths of Buildings and Structures.
  - Mix of Land Uses.
  - Indicative Dwelling Mix from 1 bed flats to 5 bed houses, and the affordable housing provision in each case.
34. Paragraph 5.22 records agreement that amendments to the original parameter plans do not affect the findings of the Environmental Statement<sup>41</sup> as they do not change the effects or the significance of the effects identified.

### Other Agreed Facts

35. In addition to those matters already referred to (the description of the site and surroundings, planning history, relevant planning policy and the description of the proposals) a general *Statement of Common Ground*<sup>42</sup> covers the following matters of agreement between the Appellant and the Council;

#### Affordable Housing;

- The provision of 40% of the total bed-spaces as affordable housing complies with Core Strategy Policy CS13.
- The proposed tenure division, based on units, will be 66% affordable rent and 34% shared ownership or shared equity. This division reflects the broad targets as set out in paragraph 10.8 of the Developer Contributions Supplementary Planning Document (April 2007). The Council is proposing to incorporate the same mix into the revised Developer Contributions Supplementary Planning Document.

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<sup>41</sup> CD3.32 – 3.37 Environmental Statement

<sup>42</sup> CD17.1

- The terms Affordable Rent, Shared Ownership and Shared Equity have the meaning as defined in the June 2011 version of PPS3 Housing.
- The size of units within each tenure group will be agreed at reserved matters stage but will reflect the guidelines in the Council's Developer Contributions Draft Supplementary Planning Document (Update June 2011).
- On the basis of the ultimate development being 400 dwellings and assuming that 188 units equates to 40% of the total bed-spaces, then the following indicative size mix would comply with Appendix 7c) of the Developer Contributions Developers Guide (March 2010).
  - 1 bed 2 person flat, 25 affordable rent, 22 shared ownership
  - 2 bed 4 person flat, 18 affordable rent, 22 shared ownership
  - 2 bed 4 person house, 19 affordable rent, 10 shared ownership
  - 3 bed 6 person house, 44 affordable rent, 9 shared ownership
  - 4 bed 8 person house, 19 affordable rent, no shared ownership

#### Visual Impact on the Area of Outstanding Natural Beauty

- The site is not in the AONB or Special landscape Area and subject to detailed design there would be no detrimental effect, no further evidence will be provided on this matter.

#### Reason for Refusal 6, highway impact.

- This is noted to have been agreed as overcome by further information and no evidence will be submitted<sup>43</sup>.

Landscape and Visual Impact, Ecology and Nature Conservation, Agricultural Land Quality, Arboricultural Issues, Ground Conditions and Contamination, Sewage Treatment Works, Archaeology and Cultural Heritage, Noise and Vibration, Flood Risk and Drainage, and Renewable Energy

- These were all agreed to be either not the subject of a reason for refusal, or could be dealt with by conditions, with no further evidence to be provided on these matters.

36. The Statement notes the following areas of disagreement although these are noted as possibly being minimised through further discussion. The paragraphs of this Report that follow, on the Case for the Council and the Case for the Appellant will note any changes in the position at the close of the Inquiry.

- Reason for Refusal 1, the Appellant is of the view that there is a possibility that the Regional Spatial Strategy could be abolished before the appeal Decision is made and that it is appropriate to submit an up-to-date evidence base for housing requirements. The Council consider that the requirements are as set out in the South East Plan and the target for Princes Risborough is as Policy CS6 of the Core Strategy. On housing supply the Appellant considers the 5 year land supply should be assessed

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<sup>43</sup> CD17.1 paragraph 8.16



for Princes Risborough using the target in the Core Strategy, the Council's position is that the 5 year supply should be assessed at a District-wide level. A further document agreed between the parties in this respect is the *Housing Position Statement*<sup>44</sup> which records agreement over the requirements of the Development Plan and residual requirements 2011 – 16. Disagreement is recorded, among other issues, over the residual requirement 2012 – 17 and the overall housing requirements where the Council rely on the South East Plan targets and the Appellant relies on those derived from the Chelmer Model.

- Reason for Refusal 2, affordable housing, subject to S106 Agreement.
  - Reason for Refusal 3, agricultural land, disagreement over planning balance.
  - Reason for Refusal 4, infrastructure, subject to S106 Agreement.
  - Reason for Refusal 5, access, the Appellant remains agnostic over the closure of the railway crossings and considers the alternative route a superior solution, the Council considers that the lack of an appropriate route across the railway would increase reliance on the car and the development would not be integrated with the town.
  - Reason for Refusal 7, works to Longwick Road, the Appellant considers the works to be improvements and to provide a superior route, the Council disagree.
37. *Supplementary Statement of Common Ground December 2011*<sup>45</sup> deals with employment levels in Princes Risborough, retail expenditure projections, affordable housing delivery and education.
38. There is a separate document, *Statement of Common Ground in Relation to Transport Matters*<sup>46</sup> in place of the blank Section 6 of the general Statement. It is signed on behalf of Buckingham County Council (as highways authority) and the Appellant. The following issues are agreed between the parties;

#### Pre-existing land use

- The land is vacant and all predicted traffic is assumed to be new to the network.

#### Existing traffic flows

- Those within the Transport Assessment<sup>47</sup> derived from survey work are considered representative of the traffic patterns of the area and are sufficient to establish impacts of the scheme.

#### Crash analysis

- No significant existing road safety issues were identified.

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<sup>44</sup> CD12.4

<sup>45</sup> CD17.4

<sup>46</sup> CD17.2

<sup>47</sup> CD3.35 Environmental Assessment

#### Trip generation

- The TRICS Database was used and the sensitivity testing is agreed to reasonably represent traffic generation from the site.

#### Trip distribution

- Forecasting trip distribution using existing traffic patterns of the area is a representative methodology for the purposes of assessment.

#### Junction analysis

- Those carried out on various identified junctions in the area, and likely to be affected, were agreed.

#### Junction mitigation

- Improvements would be needed at the A4010/A4129 roundabout (Aylesbury Road/Longwick Road, at Tesco's) and a Grampian condition could secure this.

#### Site access junction

- A simple priority 'T' junction onto Longwick Road would provide sufficient capacity.

#### Emergency access

- A dedicated footway/cycleway at a sufficient distance from the access road would provide an acceptable emergency access.

#### Public transport

- The proposed bus service is agreed by the County Council to be 'above and beyond' what they would typically expect and will provide benefits to the town in improved connections to the railway station.

#### Railway crossings

- It is agreed that the crossings are uncontrolled and rely on pedestrians being aware of activity on the railway in order to use the crossings safely.
- Whilst there is disagreement over the merits of the alternative route, and both the Council and County Council seek a new crossing by way of bridge or subway, it is agreed that any such new crossing should provide for disabled persons, although the present ones do not, and that if such a crossing were to be provided, both the Mount Way and the Church Path crossing should be closed.

39. *Further Update to SOCG on Transport Matters – 13 December 2011*<sup>48</sup> provides an update on the above with particular reference to the previous appeal scheme<sup>49</sup>, highlighting differences now proposed.

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<sup>48</sup> CD17.3

<sup>49</sup> CD19 Appeal Decision APP/K0425/A/06/2020104

### Bus services

- Princes Risborough does not have a scheduled service of its own, only those passing through (or as provided by the community bus).
- It is agreed that the principles of the service to be provided are very similar to that of the previous scheme.
- The provision relies on a contract with a local operator to deliver the service and they confirm agreement with the business case in the Transport Assessment that the service has the capability to be self-sustaining.

### Railway crossings

- The previous developer had not determined how any crossing could be delivered.
- A risk assessment by Mott MacDonald<sup>50</sup> suggests that at the assumed 100 additional pedestrian trips a day, the overall risk category would not change. As a result the Appellant's case is that the current proposal adopts the position that the crossings could be retained, perfectly safely, within the context of the new development. But, it does recognise that interaction between pedestrians and railways carries a potential risk, and so the option is provided for a recommendation to be made to close the crossings, with reference to the statement of Network Rail<sup>51</sup>.
- In the event that the crossings are closed, the Appellant's case is that the development will be sustainable.

### Site access

- The previous scheme utilised a new roundabout onto Longwick Road, possibly since it proposed more housing and required a greater capacity. A simple 'T' junction is confirmed as being sufficient.

### Emergency access

- Apart from differences at the Longwick Road access, the previous scheme used an emergency access onto Mill Lane under the Banbury railway line. This is a bridleway and appears to belong to Network Rail. It is not available to the development as anything other than a bridleway and does not form an emergency access under the present appeal proposals.

### Longwick Road

- There is no pedestrian footway between the site access location and number 12 Longwick Road on the south side, and the previous scheme adopted a simplistic approach to this, including a minimalist provision at the pinch-point under the bridge.

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<sup>50</sup> CD3.24

<sup>51</sup> DOC NR1 & C4

- The present scheme seeks to redress the balance between road traffic, walking and cycling within the principles of *Manual for Streets 2*<sup>52</sup>. The build-out under the railway bridge is objected to by the Council over the effect on traffic and because its delivery cannot be guaranteed. The Appellant considers it a positive feature in reducing the speed of traffic without causing unacceptable congestion.

#### A4010/A4129 Roundabout

- The County Council requested that the previous 'Millard scheme' be adopted instead as being a sufficient improvement.

#### Modal shift

- The previous scheme did not adopt a position on this, but the current scheme has addressed it in the Transport Assessment and has attributed trips to the bus from both the development and from existing town residents.

### The Case for the Council – Planning Appeal

The material points are as follows, from the Opening<sup>53</sup> and Closing Submissions<sup>54</sup>, with other references noted;

40. This proposal is unnecessary and contrary to achieving the spatial strategy and vision for the area, and would not result in a sustainable development with regard to its integration with the town, failing to pay adequate attention to the barrier of the railway. There are benefits, particularly the affordable housing provision and the enhancement of bus services, but other contributions are to mitigate the effects of development and these are outweighed by the disadvantages. The future of the town should be debated by the local community and determined through the development plan system.
41. Park Mill Farm was allocated in the Local Plan, adopted in 2004, and built into the policy was a mechanism to delay or even supersede the commitment to the site's delivery, via a review of housing requirements designed to give preference to urban previously developed land. Much has also changed since that time with the South East Plan and the adoption of the Core Strategy, and changing again with the passing of the Localism Bill.
42. The major expansion of Princes Risborough has been examined on three separate occasions since the adoption of the Local Plan in 2004 with its conditional allocation of the site; the South East Plan Examination, the Core Strategy Examination and the 2007 appeal and has been rejected on each occasion<sup>55</sup>. At the Inquiry in 2007 the Inspector found in favour of the Council on housing land supply, the priority for previously developed land and on the retention of agricultural land, and was content with the overall health of the town centre.

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<sup>52</sup> CD10.3

<sup>53</sup> DOC C1

<sup>54</sup> DOC C13

<sup>55</sup> CD21.8 Ian Manktelow POE para 7.2

43. The South East Plan is part of the Development Plan at the time of the Inquiry and sets housing figures for that part of the District within the Western Corridor and Blackwater Valley Sub-Region, and that part within the Rest of Buckinghamshire Area Outside Sub-Regions. As a result of representation to the Panel from a potential developer of Park Mill Farm, the yearly figures for the Area Outside Sub-Regions that contains Princes Risborough were increased from 30 dwellings to 40. The Panel had access to the 'Risboroughs 2035'<sup>56</sup> work and thus, whatever the criticism of Regional Spatial Strategies (RSS) generally, the 40 dwellings figure has been arrived at as a result of 'bottom-up' rather than 'top-down' planning. The aim is a local one of addressing an ageing population and falling school roles. Policy BE4 on the Role of Small Market Towns does look for the provision of sufficient housing development to meet identified needs but not just by development management, but by development plan work including in collaboration with the community.
44. The overarching principle of the Core Strategy is sustainable development with development focussed at High Wycombe, and development in places like Princes Risborough will be on a smaller scale and of a character commensurate with the size and relative sustainability of the settlement. The Core Strategy considers it unlikely that significant areas of greenfield land will be required, and goes on to say that if this did become necessary the strategy would probably need to be reviewed. This is also the approach of the saved Local Plan policies. Princes Risborough will be strengthened as a vibrant market town under Policy CS6 with a minimum of 480 new dwellings among other things. That figure sought to enable the town to consolidate its local role. The Core Strategy Inspector changed wording from that which was considered too development control orientated to the adopted wording.
45. The Plan's vision for Princes Risborough is for consolidation and stability secured by relatively modest growth. The appeal proposals would mean that almost double the CS6 figure would be in place by 2018/19. This would be in the context of plan policies which favour previously developed land rather than greenfield sites. The retail hierarchy in Policy CS10 puts High Wycombe as the main centre with places such as Princes Risborough performing a more local, and subordinate, role.
46. The changes being brought in by the Localism Act 2011 are not substantive and the draft National Planning Policy Framework has a continuing commitment to the plan-led system. There are new population and household projections and housing requirements and release of land will be by a review of the Core Strategy. The Appellant's figures from the Chelmer projections indicate less than the 400 dwellings proposed by the appeal scheme.
47. The Council do not agree that the District-wide housing land supply figure should be disaggregated so as to assess it against the smaller 'north of the district' part. Policy CS12 has two indicators, annual progress against the target split 90%/10% and annual progress in retaining a deliverable supply of housing land with no geographical split. In the first 5 years of the Plan period delivery of housing was nearly 40% above the target<sup>57</sup>. Given the date of the

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<sup>56</sup> CD8.9 & 8.10 'The Risboroughs 2035 – A Town Fit for a Prince'

<sup>57</sup> CD21.8 Ian Manktelow POE para 7.6

Inquiry is it appropriate to have regard to both the 2011-16 and the 2012-17 figures. The Housing Position Statement records that there is more than 5 years supply in 2011-16 and for the period 2012-17 the Council consider there is 5.95 years and the Appellant 4.77<sup>58</sup>. Paragraph 70 of PPS3 applies and granting permission would undermine important objectives including the priority for previously developed land and the protection of the countryside<sup>59</sup>. Even if this is considered not to be the case and paragraph 71 is applied, this requires assessment against paragraph 69 and environmental concerns should still indicate dismissing the appeal.

48. The difference between the parties on housing land supply equates to 78 units and other than Merton House, any site in the disputed list would make up this difference. Of these sites;
- Merton House is a matter of definition as residential units or care home.
  - William Bartlett site is owned by an experienced social landlord, has an extant planning permission, and discussions are continuing on overcoming contamination.
  - Gas Works site is being progressed and development is linked with a new town centre road.
  - Hypnos/Whiteleaf is ready to be developed and the main dispute between the parties to this appeal is to do with Total Carbide as an adjacent commercial use. Whilst arrangements had been made for an Environmental Health Officer to visit the factory regarding their concerns about noise, the visit was called off at short notice.
49. Affordable housing is a benefit of the scheme, the difference between the parties being the weight to be attached to it. Apart from the overall 480 dwellings figure in Policy CS6 there are no figures for affordable housing. Progress has been made under the Core Strategy policy whether or not Merton House is included, as the Council say it should, and affordable housing will continue to come forward in the town in the next 5 to 6 years.
50. Policy CS6 identifies areas for policy development on schools, the economy, sport, transport, tourism and the town centre, and there is strong evidence of progress and community involvement. With regard to the town centre, whilst there is room for improvement, it is performing its policy role well. Overall the policy objectives are being fulfilled and the town is not dying on its feet. The appeal proposals are not needed to fulfil these objectives. In particular<sup>60</sup>;
- The population of the town is forecast to increase, not decline.
  - Whilst house prices are high, this is not a hot-spot.
  - There is a need for affordable housing but there has been strong delivery both in Princes Risborough and in the District.

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<sup>58</sup> CD25.12 Mark Hewitt Addendum to supplementary POE

<sup>59</sup> CD21.8 Ian Manktelow POE para 7.8

<sup>60</sup> CD21.8 Ian Manktelow Summary POE para 26

- Additional spending from the new development is not needed to support the town centre.
  - The development increases the supply of labour without jobs being available, risking out-commuting.
51. With regard to sustainability and access, the allocation of the site in the Local Plan was based on there being one or more high quality grade-separated crossings of the railway line, and the sustainability of the site relative to others has only been considered in this light. This appears to have been accepted by the Appellant up to a point when negotiations with Network Rail foundered. Network Rail object to the development going ahead without such a crossing. The 2007 appeal Inquiry heard evidence of the poor condition and safety status of the crossings. The policy position on integration and sustainability is clear and the appeal proposals fail to accord with them or the matters set out in Appendix 2 for development of the site. The development would turn its back on the town and this will be reinforced by the fence that Network Rail requires.
52. The legal and design questions of providing a grade-separated crossing have not been explored so as to be put to the Inquiry. Either of the Stopping-up Order scenarios would be at odds with national and local design objectives. What suffices for leisure walkers at present will not suffice for the numbers seeking access to the town centre with the appeal proposal built. For all trips except to Tesco's, the Longwick Road route is longer than the direct routes, and the undetermined additional travel distance for ramps onto a bridge does not overcome the counter-intuitive direction of travel for access to either Longwick Road or the other pedestrian and cycle access by Mill Lane to the station.
53. The route by Longwick Road is alongside a busy main road and the route by Mill Lane and Summerleys Road does not have a continuous footway requiring crossing of the road three times. The proposal does not provide a safe, convenient and attractive route as required in the Core Strategy<sup>61</sup>.
54. The proposed narrowing of the Longwick Road carriageway under the railway bridge in order to accommodate the cycleway and footway would be at odds with the County Council's obligations under the Traffic Management Act 2004 and there is no guarantee that the proposed alteration can be carried out given the need for consultation. The works to Longwick Road are required by the Appellant in the absence of the direct link as envisaged by the Local Plan allocation and would risk causing delays and congestion<sup>62</sup>.
55. The proposal would result in the loss of some 21ha of the best and most versatile agricultural land which serves an important function, linked to the town by rights of way that could be closed. This should be accorded significant weight as in previous decisions.
56. The statement on Planning for Growth details five factors that Councils should take into account, including the aim of supporting enterprise and facilitating

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<sup>61</sup> CD21.9 Dell Tester POE section 9

<sup>62</sup> CD21.9 Dell Tester POE section 8

housing, economic and other forms of sustainable development. It is considered that in respect of the appeal proposals<sup>63</sup>;

- The disbenefits outweigh the likely economic, social and environmental benefits.
- The benefits are limited and are not required to make the community more viable.
- The Council have maintained a flexible and responsive supply of housing land.
- The Council has had regard to new economic data where relevant.

57. In addition to matters dealt with by the Council's three witnesses at the Inquiry, there were a further four proofs of evidence;

- With regard to infrastructure and developer contribution matters, Lucy Bellinger<sup>64</sup> gives details of the Development Plan provisions, including reference to Appendix 2 of the Local Plan which states in the section on Park Mill Farm that contributions towards local school provision off-site may be required, subject to assessment of existing provision, together with contributions to sports hall and community facilities. Reference is also made to the Supplementary Planning Document on developer contributions and accompanying guide<sup>65</sup>. Detail is provided of the need and representation to the Council on that subject. The Agreement now reflects the Council's view.
- The mechanism for allocation of affordable housing was a matter of disagreement between the parties and the proof of evidence of Rob Blaikie<sup>66</sup> sets out the Council's case for use of the Bucks Home Choice Allocation Policy<sup>67</sup>. The Agreement now reflects the Council's view.
- The need for and level of education contributions is detailed in Stephen Chainani's Proof<sup>68</sup>. The Agreement now reflects the Council's view.

These matters will be considered as appropriate, with regard to conditions, the Section 106 Agreement and the merits of the case.

### **The Case for the Council – Stopping-up Orders**

The material points are as follows, as set out in Michael Walker's Proof of Evidence<sup>69</sup>;

58. The Highway Authority objects to the draft Orders. Section 247 of the Town and Country Planning Act gives a discretionary power to close paths in the event that it is necessary to do so in order for a planning permission to be implemented.

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<sup>63</sup> CD21.8 Ian Manktelow POE para 7.10

<sup>64</sup> CD21.11, 22.11 & 24.8

<sup>65</sup> CD8.14 & 8.15

<sup>66</sup> CD21.10 & 25.9

<sup>67</sup> CD14.13

<sup>68</sup> CD21.13 & 25.10

<sup>69</sup> CD21.12



59. DEFRA Rights of Way Circular 1/09<sup>70</sup> states that there is a need for adequate consideration of rights of way before a decision on a planning application is taken and that the effect of development on a right of way is a material consideration. The Buckinghamshire Rights of Way Improvement Plan 2008 – 2018<sup>71</sup> sets out the County Council's vision and strategy for the rights of way network;
- Addressing the fragmentation of the network is a priority.
  - Ensuring the preservation of the network during a time of population and housing growth is a high priority.
  - Rights of way are vital to accessing key services and leisure opportunities.
60. The paths provide the only easy means of access to the countryside for residents living between Longwick Road and Summerleys Road. The alternative would be use of these main roads. The Mount Way path links to the wider rights of way network and forms part of circular walks promoted by the Princes Risborough Countryside Group in a leaflet<sup>72</sup>. The County Council would object to the closing of the Church Path crossing in any event.
61. Clarification is given on the representation from the County Council to the effect that at-grade improvement would be acceptable. The Officer had not fully appreciated the safety implications for the potential 900 or more new residents<sup>73</sup>. The crossings are not suitable for safe use by the additional residents and closure without an alternative bridge or subway would not be acceptable and would encourage greater use of the car.

### **The Case for the Appellant – Planning Appeal**

The materials points are as follows from the Opening<sup>74</sup> and Closing Submissions<sup>75</sup>, with other references noted;

62. In this case the abolition of the South East Plan may not be as significant as in other cases as there is an up-to-date adopted Core Strategy which contains a locationally specific policy for Princes Risborough driven by a series of objectives to which additional housing contributes. The review of the Core Strategy has not started. Whilst little weight can be accorded to the Draft National Planning Policy Framework, that is not the case with the Ministerial Statement of 23 March 2011<sup>76</sup> and the Budget Statement<sup>77</sup>. The proposed development is at one with these Government policies and they should be given very significant weight. The Council has accepted that in the light of the Royal Assent to the Localism Act, less weight should be given to the South East Plan and more to the Core Strategy.

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<sup>70</sup> CD4.10

<sup>71</sup> CD4.8

<sup>72</sup> CD22.12 Appendix

<sup>73</sup> CD21.12 Michael Walker POE para 22 on

<sup>74</sup> DOC A1

<sup>75</sup> DOC A9

<sup>76</sup> CD6.24

<sup>77</sup> CD6.43

63. The high quality design would assist the delivery of prosperity and inward investment. To address the imbalances in the town a new neighbourhood would attract young people and families. The asymmetric development of the town would be addressed. Phase 1 has been detailed creating the entrance to the site and in partnership with Guinness Trust would establish the essential character of the site, with phase 2 following straight on, affordable housing would be carefully integrated with the wider development. The Masterplan ensures that the development would be a natural extension of the town, not a segregated 'add-on'. The detailed design of each building would be controlled by design codes. The layout would include a network of easily navigated streets, footpaths and cycle-ways linking with the wider area<sup>78</sup>.
64. Princes Risborough might be regarded as having a wealthy, well educated and well-housed population, enjoying all the benefits of living in a well-connected small market town, but that is also the cause of its decline, and that has supported the need for Policy CS6 to address falling school roles, falling household size, an ageing population with local young people priced out of living there. House prices/earnings are at a ratio of 7:1, well outside most lending ratios. There has been little new housing development and a loss of distribution, hotel and restaurant, and business and financial jobs<sup>79</sup>.
65. The policy seeks a minimum of 480 dwellings with particular emphasis on affordable housing among other measures. This figure was described by the Core Strategy Inspector as a 'firm minimum guide'<sup>80</sup>. The wording in the policy is not just to maintain the *status quo*. The policy looks to improve the town centre and the proposed development would generate new demand and income for the shops.
66. The question is not whether the Council is taking action to implement some of the objectives of the policy, but rather, the extent to which the appeal proposals are supported by the policy or conflict with it, as required by Section 38(6) of the 2004 Act.
67. Population projections<sup>81</sup> indicate a reduction in school age population, a reduction in the working population, low population growth but a growth in the over 65 population to be some 30% of the total. These are the Council's figures and are not as up-to-date as the Office for National Statistics figures<sup>82</sup>. It is clear that Princes Risborough needs more housing if the plan objectives are to be met. The appeal proposals will address these failings with regard to school roles, the availability of a local workforce and spending in the town centre. It was accepted that a broad balance between homes and jobs is sought across the whole district rather than within parts of it. However, Princes Risborough has a high propensity for people to live and work there and good connections to High Wycombe and Aylesbury.

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<sup>78</sup> CD21.2 Robert Adam POE & Appendices (CD22.2)

<sup>79</sup> CD21.5 Bill Brisbane POE Section 3

<sup>80</sup> CD8.2 para 3.43

<sup>81</sup> CD21.8 Ian Manktelow POE page 83 Table 4

<sup>82</sup> CD21.7 Dave King POE and Appendices (CD22.7)

68. The appeal case does not hang on the adequacy of the 5 year housing land supply but the Appellant's case is that the appeal proposals are entirely appropriate having regard to the objectives of Policy CS6. Housing supply in High Wycombe cannot help with the fulfilment of these objectives. The proposal is on greenfield land as it is necessary to fulfil the spatial strategy for the area and brownfield land is neither adequate nor certain. The fact that annual provision or local trajectory has been met is not a reason to reject applications that provide more, if they accord with the aims of policy.
69. Affordable housing is to be provided as sought by policy but it is particularly important here in response to the aims of Policy CS6. Previous supply has been in the order of 24% of identified need and the future does not appear better. A major Registered Provider will deliver and manage the affordable housing on the appeal site. The market entry levels in Princes Risborough are higher than in High Wycombe and Aylesbury Vale meaning that more young adults leave the area to live than enter<sup>83</sup>.
70. The Council refers to other sites providing housing, and their status is assessed as follows<sup>84</sup>:
- Merton House does not provide any more units, and may only be a change in use from care home to residential, housing the same numbers of residents as before.
  - William Bartlett has had a gradually slipping completion date, there is an ongoing Environment Agency objection, ground conditions remain unresolved, viability remains an issue and a new S106 is required.
  - Gas Works has a long planning history and reserved matters, applied for in 2008 are still not determined. The link road is a critical issue and contamination is still to be fully addressed, although enough has been carried out to allow it to remain as vacant land.
  - Hypnos/Whiteleaf was considered important as an employment site and is still suitable for that use. There are problems complying with the brief for the railway bridge and with viability. Various resolutions to support the grant of planning permission have not resulted in development and the latest requires a complete list of requirements to be met or no permission will result. Total Carbide<sup>85</sup> occupies premises on Picts Lane adjacent to the development sites. They are concerned as to the effect on their business of being close to new housing and the possibility of complaints over noise. This and the other matters all point to this development not proceeding in line with the Council's timetable assumptions. The deliverability and amount of affordable housing is questionable.
71. The Appellant's analysis of the supply of land amounts to 5.53 years 2011 – 2016 and 4.77 years 2012 – 2017. Based on the Chelmer Modelling this

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<sup>83</sup> CD21.4 Steve Hinsley POE

<sup>84</sup> CD21.6 Mark Hewett POE Section 4 for full analysis

<sup>85</sup> DOC A2

- becomes 3.28 and 2.72. In Princes Risborough the figures are 3.24 and 0.91, with the Chelmer Modelling reducing this to 1.99 and 0.52 years<sup>86</sup>.
72. The Council raise the matter of sites beyond the five year period, but these are generally smaller, so not triggering affordable housing provision, and delivery is less certain, some have had appeals dismissed and others have very little information on how or when they might become available. The appeal site has been considered previously and in the absence of other sites within the town, the site has been regarded as the next available appropriate area.
73. Whilst previously developed land is a higher priority in national and local policy, paragraph 67 of PPS3 makes clear that this consideration should not jeopardise the delivery of policy objectives. The loss of agricultural land is a factor to weigh in the balance but it is the case that the Council allocated the site for housing in the Local Plan and in options for development for the town. The land's inclusion in a list of possible gypsy sites does not indicate a site that is considered unsuitable for use. The proximity of Green Belt and Area of Outstanding Natural Beauty further limits other options for development.
74. The vacancy rate in the town centre has increased to 11%, the town has too many convenience shops and not enough comparison shops, too many charity shops and a lack of attractions for younger people. Whatever the amount of new expenditure, it should be welcomed as supporting the enhancement of vitality and viability, as it would bring in economically active people and increased local spending<sup>87</sup>.
75. The Local Plan allocation required development to 'take account of' development principles in Appendix 2. These are not policy requirements; they are to be taken account of, not 'complied with'. Some of the principles are no longer being pursued such as the sewage works relocation and changes with regard to the secondary access. The overarching objective is the provision of effective links to the town centre. The provision of a grade-separated crossing was abandoned for good reasons and the starting point is that links are not available other than by the existing paths. The Appellant does not see the necessity of closing the crossings, but the alternative routes are appropriate and convenient and distances should be considered as appropriate in themselves, not in comparison.
76. The Rights of Way Authority takes the view that the paths are in good condition and well-maintained and they promote them to walkers. They have a statutory duty to keep paths in repair and Network Rail has duties with regard to the safety of crossings over the railway<sup>88</sup>. The Secretaries of State can therefore proceed on the basis that if there is any necessity for work to be done to the footpaths to make them safe, the work will be done.
77. The alternative route along Longwick Road will be improved and the only contentious element is the narrowing of the carriageway under the bridge. This would provide room for the pedestrian and cycleway and would also slow

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<sup>86</sup> CD25.12 Mark Hewitt Addendum to supplementary POE

<sup>87</sup> CD21.5 Bill Brisbane POE para 4.39

<sup>88</sup> CD22.3 Tim Allen Appendix 3.1 Network Rail Level Crossing Policy Statement

- traffic and reduce the likelihood of reckless driving<sup>89</sup>. The Appellant has carried out a micro-simulation of the peak-time situation and this did not show any significant queuing or delay. The approach is consistent with the Highway Authority's Local Area Strategy, their approach to the A4010 and with Manual for Streets 1 and 2. Given the issues explored at this appeal, there is little likelihood of sustainable consultation objections to the implementation of the works. The chosen bus operator does not object.
78. With regard to walking and cycling distances the Council accept that they are not-unreasonable in themselves, their remaining argument was that they were longer than the route over the crossings. When making choices, it is the attractiveness of the route as well as distance that is considered. The user of the route is unlikely to have considered the theoretical alternatives that may have been available if some alternative piece of infrastructure had been available<sup>90</sup>.
79. If the crossings are closed, none of the schools are outside the statutory walking distances, cycling would be an option, or use of the bus. There is also a choice of modes for access to the station. The fact of the location of the railway line is no different from the layout of many historic towns built along a river<sup>91</sup>. There are examples of towns that have grown up around a river crossing or railway station<sup>92</sup>.
80. The option of a subway was explored previously, but the Town Council has refused to co-operate as to its route onto Wades Park, and it would not be possible to design a subway that meets the advice in Manual for Streets; segregated routes away from roads are not considered attractive or safe.
81. Comparison with the previous appeal proposals and the previous decision<sup>93</sup> shows the following;
- The previous Inquiry took place before the South East Plan Examination.
  - The Decision was prior to the Panel Report.
  - Both were before the Core Strategy Examination and the Inspector could not give significant weight to the emerging policies.
  - The Inspector would not have known the weight that the Council would attach to the Risboroughs 2035 study.
  - The Inquiry and Decision predate much of the evidence base that is before the present Inquiry, including Manual for Streets<sup>94</sup>.
  - The Inspector considered the provision of a new railway crossing essential and that the existing crossings were unacceptable, as that was the case presented to him<sup>95</sup>.

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<sup>89</sup> CD25.2 Tim Allen supplementary POE Section 2.3

<sup>90</sup> CD21.3 Tim Allen POE para 6.6.5

<sup>91</sup> CD21.2 Robert Adam POE

<sup>92</sup> CD21.3 Tim Allen POE after page 57

<sup>93</sup> CD19

<sup>94</sup> Full list DOC A9 para 82(vi) and (vii)

82. The present population are active in the life of the community as was evidenced at the Inquiry, but cannot ensure that Princes Risborough is a sustainable community for the future. If the town is to be something other than a community dominated by its ageing population it needs a significant new development to address its needs.

### **The Case for the Appellant – Stopping-up Orders**

83. The Appellant's case is summed up in their opening statement<sup>96</sup> as follows; *'The Appellant's position is clear and differs from the position taken at the last appeal. It is that there is no necessity in safety or other terms for the crossings to be closed if the appeal development proceeds. If it is thought appropriate that the crossings should remain open they can then be and if necessary subjected to some improvements which, the Appellant has offered to support. If on the other hand the view is taken that the crossings should be closed then the Appellant's position is that the appeal proposals provide appropriate and convenient links between the site, the town centre and other locations including the railway station. The consideration of the appropriateness of those links is not an exercise which should involve a comparison between the lengths of journey from the site to a particular location with or without the railway crossings. The question to be asked is whether or not what is offered is appropriate in itself. The Statement of Common Ground sets out the position with regard to some of the legal difficulties involved in the provision of alternative means of crossing the railway line. In addition to those legal difficulties, there are simple planning and amenity issues which would arise from the provision of either very substantial bridging structures or underpasses. On this occasion in contrast to the position at the last appeal the Appellant's position is clear; they are not in a position to implement such linkages, they do not accept the necessity of their provision and they do not accept the necessity of closure of the crossings if development is to take place. The improvements that are proposed including those along Longwick Road are, in policy and highway design terms, entirely appropriate as a response to the provision of a sustainable link and also the current issues which arise from the accident history on Longwick Road.'*
84. The Appellant goes on to state that they are agnostic as to whether the Orders are made, but that the evidence in favour of closure is not sound, lacks any credible objective support and stems in large measure from Network Rail's policy position<sup>97</sup>. The draft Orders give the Secretary of State for Environment, Food and Rural Affairs the opportunity to close the crossings if it is thought appropriate having regard to the statutory tests<sup>98</sup>.

### **Submissions at Inquiry from Interested Parties – Planning Appeal**

85. There is a high degree of overlap between the views of third parties and that of the Council, and the majority of the submissions made orally at the Inquiry

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<sup>95</sup> CD21.3 Tim Allen POE section 2

<sup>96</sup> DOC A1 para 15v

<sup>97</sup> DOC A9 para 59 – 65

<sup>98</sup> DOC A1 para 16

were accompanied by written speaking notes which are now appeal documents<sup>99</sup>. The main points in each case are as follows and where there is reference to the **crossings**, this is highlighted;

- Cllr Bill Bendyshe-Brown District Councillor for The Risboroughs, Wycombe District Council. The town has a strong economic base and a vibrant town centre, being fairly affluent with a strong local character and an amazing setting. There are concerns about an ageing population and also over traffic and there is a need for smaller households. Local groups and people have worked with the South East England Regional Assembly (SEERA) to agree housing figures and are happy with those set out. The proposal is over-development having regard to the 'rest of Bucks' figures. There are better sites and we need to balance houses with jobs; the proposal would be too many houses in the wrong place. The footpath **crossings** over the railway line are historic and well used and the community is committed to their retention.
- Cllr Alan Turner District Councillor for The Risboroughs, Wycombe District Council. Princes Risborough is a thriving town with sports facilities, a low vacancy rate in the town centre and a Sunday Market. The rural surroundings provide spending power as well as being attractive to tourism and add to the quality of life. The development would fragment the town and there are other sites to meet the need.
- Dr Reg Orsler Member Risborough Town Council. The Town Council has consistently opposed the development of Park Mill Farm, a large isolated housing development would weaken the neighbourliness and community spirit. The town is on track to meet (and exceed) housing targets so there is no need for the development. The closure of the two footpath **crossings** indicates that the development is seen as separate from the town, further suggested by the shops and other facilities proposed on-site. The single exit is likely to result in traffic problems. The Town Council is looking to produce a 'Neighbourhood Plan' and the proposal goes against the idea of localism.
- John Hughes Risborough Area Partnership (superseded Risborough Area Community Action). Through the Market Town Health Check, the Risboroughs 2035 study and the previous Public Inquiry, the community has made clear its opposition. The development would be isolated and the local economy does not need it. There are many examples of community projects and fund raising.
- Tony Davies Risborough Area Residents Association. There is a long history of consideration of the site for housing and this has been rejected. It would break through the settlement boundary opening up other greenfield sites for development. It would be even more isolated if the rail **crossings** were closed. Residents are concerned at the effect of an increase in population on services, but have supported development on brownfield land such as at Mill Lane and Picts Lane.

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<sup>99</sup> DOC 3/1

- Eric Gadsden Managing Director W E Black Ltd. Seeks to correct what are seen as misleading statements in the Appellant's proofs of evidence on the size and work of his company, and their ability to develop the Hypnos and Whiteleaf sites. S106 Agreements are well advanced and the Hypnos company has been relocated and is functioning. The planning of the extended footbridge over the railway line is also progressing. The price paid for the site is not relevant. It is intended to progress with the development starting in the spring of 2012.
- Steve Dexter Network Rail<sup>100</sup>. The risk of keeping the **crossings** open stated by the Appellant is not agreed. Network Rail use a computer model, All Level Crossing Risk Model (ALCRM) to assess risk and the result shows an increase in the risk categories, Church Path from D6 to D4 and Mount Way from D4 to D2. In the case of Mount Way this results in an increase from a medium to a high risk category. The model is not available for other's use but the outcomes are. If the paths were to become a thoroughfare from the development, a bridge or subway would be necessary. The line carries the same freight traffic to Calvert as passes over the Griffen Lane crossing between Aylesbury and Aylesbury Vale Parkway station, in addition to the passenger service. A fence would be required for the length of the site abutting the railway. Written representation was provided on the Griffen Lane crossing with incident logs<sup>101</sup>.
- John Roberts Resident. The closure of the rail **crossings** will involve longer journeys by Longwick Road and they are used frequently by local residents and walkers. The alternative route is alongside a busy road and would be hazardous while the crossings have an accident-free record. They should be kept open even if the development were to go ahead with the developer meeting the costs of any improvement.
- Alexander Macfarlane Princes Risborough Area Heritage Society, Risborough Countryside Group and Chiltern Society Rights of Way Group. The views of all three organisations accord with that of the Council. The Appellant claims that the **crossings** are not unsafe so why should they be closed? Their problem is over ease of use, not safety. A subway would provide an alternative to the Church Path crossing, the town Council's objection is to its proposed continuation over Wades Park which is used as a sports field. Even with the crossing it would be difficult for the development to integrate with the town, without them it would be a *cul-de-sac* adjoining but not part of the town. Other examples of communities separated by rail or river are not relevant. Also spoke for James Emery (indisposed) of the Chiltern Society Rights of Way Group, speaking notes attached.
- John Esslemont Ramblers Association, Buckinghamshire, Milton Keynes and West Middlesex Area. The case for stopping-up the **crossings** appears weak and the use of S247, which talks of 'necessity', is stretching its intended use. The Highways Act provides a method at a later date if safety is shown to be an issue. It is not agreed that the crossings are unsafe or

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<sup>100</sup> DOC NR1

<sup>101</sup> DOC C4



that the development would render them unsafe. If Mount Way was improved, Church Path should not be closed as it provides the most direct routes to/from many places. Even if the Longwick Road route is superior, the crossings should not be closed.

- Pat Voss The Chiltern Society. Although 30% less homes, these are not sufficient changes from the scheme previously dismissed. It exceeds the sites and housing totals of the Core Strategy and would be excessive expansion of a small community. It would be segregated and isolated from the town's community by the railway and its embankments. Traffic will cause problems and the development would set a precedent for more.
- John Romaya Resident. Objects to the loss of agricultural land and the effect on the environment, when there are other, brownfield, sites available. There is already a lack of jobs and the new residents would add to the problem. The loss of the Mount Way **crossing** in particular would reduce access to the countryside.
- Christine Romaya Resident. Services are already overstretched and it is difficult to get a doctor's appointment. The routes by Longwick Road and Summerleys Road are a long way round and the loss of the **crossings** would be felt by many people who frequently use them.
- Wendy Pawsey Assistant Pastor Chiltern Christian Fellowship. Princes Risborough is not a dying town and there is a lot of youth work going on as well as for mums and babies/toddlers.
- Tony McManus, Chairman Risborough Rangers Junior Football Club. The club has seen growth in numbers joining and operates many teams. Facilities are an issue, with Wades Park being used among others. The club has visiting teams for tournaments and matches, and draws its membership from the surrounding area as well.

### Written Representations – Planning Appeal

86. Letters were received by the Planning Inspectorate in response to the Council's notification of the planning appeal from nine households and from two companies or organisations<sup>102</sup>. Letters were also received by the Council at the time of their consideration<sup>103</sup>. The material points in the residents' letters are in line with one or more of the Council's reasons for refusal although many maintain an opposition based on the increase in traffic, a matter not now pursued by the Council as a result of agreement over reason for refusal 6. There are references to objection also to closure of the **crossings**. The Chiltern Society's views have been reported above as their representative addressed the Inquiry, and Hypnos Limited, occupiers of premises on Longwick Road alongside the proposed site entrance, support the seven reasons for refusal.
87. Further written representation was received during the Inquiry as follows;

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<sup>102</sup> DOC 4

<sup>103</sup> DOC 3

- Thames Water<sup>104</sup> as sewerage undertaker provide background information on the assessments carried out and on discussions. They conclude that in the event that the appeal is allowed, any planning permission should be subject to an appropriate condition as regards odour impacts and mitigation. A draft condition is set out in Section 4 of their submissions.

### **Written Representations – Stopping-up Orders**

88. A total of 50 written representations were duly made, of which 47 are objections plus 1 in support and 2 with no comments. A further 5 objections were not duly made but will be considered. Statements were received from 6 individuals or organisations objecting<sup>105</sup> and the Appellant provided a statement and 7 sets of proofs of evidence (duplicates of the planning appeal proofs)<sup>106</sup>.
89. Objectors raised the following points;
- The crossings provide important access to the countryside bordering the town and closure would disrupt a wider network of paths. They lead to walks on flat land as opposed to the hills. They feature widely in published walking routes. They also provide access to the town for residents and workers on Summerleys Road and the industrial estates. The alternative route is inconvenient and longer.
  - If the development goes ahead it would be illogical to close the crossings as they provide the only convenient pedestrian access for the new residents, further exacerbating traffic and parking problems. Closure would fail to integrate the new development with the town.
  - It is an abuse of S247 of the Town and Country Planning Act, whereas S118A of the Highways Act 1980 provides for closure on grounds of safety. The speed of trains and the visibility means that there is ample time for safe crossing. There is a low level of rail traffic. Other crossings on the same line in Aylesbury are safely used near greater housing development. The safety of a small number of people as now must be of equal importance to that of larger numbers as proposed.
  - If closure is necessary, there is ample clearance at Church Path for an underpass and at Mount Way for a bridge.
  - The stub-end paths remaining will be unused and a burden to maintain.
90. A letter from the Head of Legal & Democratic Services, Buckinghamshire County Council states<sup>107</sup>;
- That a previous letter of 6 October 2011 was mistaken in saying that the County Council would prefer an improved at-grade crossing, as the author had not fully appreciated the safety implications of the residents of 380 – 400 new dwellings crossing the railway to access services. The County

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<sup>104</sup> DOC C5

<sup>105</sup> All objections, statements, letter of support and neutral letters DOC 5

<sup>106</sup> DOC 6

<sup>107</sup> in DOC 5

Council's view is that, should the development be allowed, it is not acceptable to have increased traffic crossing the railway line and a safe alternative must be provided in order to protect the integrity of the path network as well as ensuring sustainable links with the town centre. If this cannot be achieved, the application should be refused.

91. The letter of support was from Meridian Strategic Land Ltd<sup>108</sup>;
- The writer has been involved with the promotion of the appeal site for development for the past 20 years. There are many reasons why the development should go ahead and refusal on a technical safety issue such as the crossings would not be justified. The crossings should be closed to allow the development to proceed.
92. The two neutral letters were as follows<sup>109</sup>;
- Thames Water state that no apparatus will be affected and they do not have any objection.
  - Natural England, Bucks and Oxfordshire Land Management Team, confirm that they have no comment to make on the proposal.
93. Network Rail had written in objection to the planning appeal<sup>110</sup> as reported above and their representation contains the comment *'The view of the NR Operations Risk Advisor Team is that the only acceptable proposal is closure of both crossings, with or without provision of a subway or footbridge'*.
94. A letter from Rt. Hon. John Bercow MP, Member of Parliament for Buckingham states<sup>111</sup>;
- That the footpaths offer essential access to the countryside for local residents and are well used Rights of Way.
95. As reported above, representations to the Inquiry regarding the planning appeal also objected to the closures as this outcome was seen as being a detrimental result of the development.

## Conditions

96. A total of 41 conditions were substantially agreed between the Council and the Appellant and were set out in a series of drafts for discussion at the Inquiry. A final draft was produced and where there is still disagreement that is referred to in that document<sup>112</sup>.
97. The resulting conditions are considered to accord with the six tests in Circular 11/95; that they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. The conditions commented on below are set out in Annex C to this

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<sup>108</sup> in DOC 5

<sup>109</sup> in DOC 5

<sup>110</sup> DOC NR1

<sup>111</sup> in DOC 5

<sup>112</sup> DOC 7

Report and are recommended in the event that the Secretary of State for Communities and Local Government allows the appeal;

- *Conditions 1, 2 and 3* the application was in outline only, therefore there is a need to allow for the approval of reserved matters.
- *Condition 4* is required for the avoidance of doubt and in the interests of proper planning. The parameter plans still show an emergency access onto Mill Lane and this needs to be specifically omitted by the words added to the condition '*save in respect of the indicated emergency access along Mill Lane*'.
- *Condition 5* sets out the parameters in order to control the amount of development and to limit the amount to that on which the Environmental Statement and the S106 Agreements are based.
- *Conditions 6 and 7* control of phasing allows the Council to control the effects of the development and the provision of infrastructure. This is a case where some flexibility may be exercised in the Council being able to agree changes to phasing as development progresses.
- *Conditions 8 and 9* whilst landscaping itself is a reserved matter a condition at this stage sets the requirement linked to the phasing plan.
- *Conditions 10, 11, 12 and 13* energy efficiency is one of the credentials of the scheme and it would be right that this is secured by condition.
- *Conditions 14 and 15* the proximity of the sewage treatment works and the advice from Thames Water as Sewerage undertaker requires these conditions to be attached to ensure control of odours<sup>113</sup>.
- *Conditions 16 – 21* ensure control of flood risk, water run-off, contamination, protection of watercourses and the disposal and treatment of sewage, and have been requested by the relevant undertakings. They are necessary to mitigate the effects of development and to control potentially harmful aspects of the work. The report referred to is in the Environmental Statement<sup>114</sup>.
- *Conditions 22 and 23* seek to ensure the protection of possible archaeological interests. The Appellant does not agree the need for these two conditions. The plan referred to is in the Environmental Statement<sup>115</sup> and the accompanying report gives full detail of desk based studies and trial trenching. Paragraph 5.2.2 sets out a suggested condition, which, given the detail of the work already carried out, would give the right level of protection.
- *Conditions 24 – 28* are required to ensure compliance with the stated guidance and Regulations on the protection of species and habitats with cross reference to the findings and a plan in the Ecological Assessment<sup>116</sup>.

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<sup>113</sup> DOC C5

<sup>114</sup> CD3.33b Appendix 13.1

<sup>115</sup> CD3.33b Appendix 14.1

<sup>116</sup> CD3.33a Appendix 9.1

- *Condition 29* concerns the timing of investigations into contamination to ensure that any contamination is found and future residents are protected. The Appellant does not agree with this condition as worded and considers that there is no evidence of risk. In any event they say that Phase 1 should be excluded along with the stated access works and off-site highways works. The Council are concerned at the possibility of agricultural contamination. This appears to be a legitimate concern and the condition as drafted would be necessary.
- *Conditions 30 and 31* seek to identify and mitigate possible noise problems and are necessary to ensure acceptable living conditions. Having mind to the early start and late finish of timetabled passenger trains, the level of control in Condition 31) is also justified.
- *Conditions 32 – 34* concern the detail of the access and internal road provision and are generally acceptable, other than the Appellant disagrees over the extent and timing of the wearing (finished) course of the road construction. The Council consider this necessary earlier to ensure a safe and convenient standard of road surface. The Appellant states that it is not unusual to leave the level at base course to avoid subsequent damage; manhole covers and similar projections would be feathered with asphalt to prevent an abrupt step. The requirement for the detail to be provided by phase, as sought by the Appellant appears a reasonable change. However, there could be a lengthy time during which some residents have to use an incomplete road under the Appellant's version, whilst the Council's version requires wearing course to be laid to a unit before it can be occupied, which appears over-onerous and risks avoidable damage. A reasonable solution would appear to be a phased completion to wearing course even at the risk of some damage. The relevant conditions in Annex C are varied to reflect this.
- *Conditions 35 – 38* are designed to control the timing and standard of off-site works, the access, parking and garaging, and construction-phase vehicular movements. Such conditions are required to ensure safety for others and to limit inconvenience while the works proceed. In Condition 38) there is a need to add reference to a drawing in the Transport Assessment<sup>117</sup>.
- *Conditions 39 – 41* concern the railway crossings and, subject to the reasoning and the decision in the planning appeal, these conditions could be required to ensure that the crossings are stopped-up. This will form part of the recommendation in this Report. With regard to Condition 39), there would not appear to be substantial harm in adopting the Appellant's version, as no additional residents would be in place, and the works to provide the access also provide the alternative route to the crossings which would not be accessible while that work is carried out. Conditions 40) and 41) are adequately covered in the S106 Agreement and there is no need for the conditions as well.

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<sup>117</sup> CD3.35 Appendix 10.2

98. In addition to the draft conditions, a further condition<sup>118</sup> was put forward to address the matter of the design code stated by Robert Adam in evidence to be a positive feature of the scheme to control future design quality. This additional condition is required as although it is stated that Phase 1 reserved matters details are well advanced by the Appellant's architects, there is no certainty as to the developer or designer of future phases. In view of the deletion of Conditions 40) and 41), this additional condition is numbered 40) in Annex C.

### **S106 Agreements**

99. Two signed Deeds were presented as follows;

Between the Appellant and Wycombe District Council dated 2 December 2011<sup>119</sup> providing for;

- A Community Hall Contribution to be calculated in accordance with a figure in £ for each dwelling size and type.
- A Police Services Contribution to be calculated in accordance with a figure in £ for each dwelling size and type.
- An Indoor Sports and Leisure Contribution to be calculated in accordance with a figure in £ for each dwelling size and type.
- An Environmental Contribution to be calculated in accordance with a figure in £ for each residential unit and for each 100m<sup>2</sup> of non-residential accommodation.
- There is an assumption stated as to phasing and payment, with provision for re-calculation if required.
- Affordable Housing at agreed rates with provision for a Scheme to be submitted and approved, phasing, the balance between affordable rental and shared ownership and other clauses to ensure delivery as intended.
- Open Space Land to include allotments, orchard and woodland, play spaces, sports pitches and landscaping, with provision for a management plan.
- Sports Pavilion, this provides for the agreement of the design and the building to be provided within particular phasing.
- A maintenance account is provided for in respect of the open space and the sports pavilion.
- Longwick Road Highway Works and Pedestrian/Cycleway links agreement with the highway authority and provision prior to occupation.
- Bus Service to be provided to an agreed specification of vehicle type and frequency with provision for the contract to run for 5 years, plus up to a further 3 years if not self financing at the end of the initial 5 years.

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<sup>118</sup> DOC A8

<sup>119</sup> DOC C7

- Further schedules concern details of payments, compliance with the Residential Travel Plan, the Considerate Construction Plan, details of the various provisions detailed above, and set out the District Council's covenants. The latter makes clear the local nature of the community halls, indoor sports and police provision.

Between the Appellant and Buckinghamshire County Council dated 13 December 2011<sup>120</sup> providing for;

- An education contribution to an agreed formula.
- The bus service as set out in the Agreement with the District Council is repeated.
- Provision for payment of costs regarding a traffic order for Longwick Road.
- Further schedules concern details of payments, compliance with the Residential Travel Plan, details of the various provisions detailed above, and set out the County Council's covenants.

100. Both Deeds contain within the Introduction Clause (6) '*The....Council is of the opinion that if the Secretary of State is minded to allow the Planning Appeal he should not grant planning permission pursuant thereto unless the planning obligations as hereinafter appear in this Deed are entered into and the Owner agrees thereto*'.

101. Clause (7) of the Introduction also states that the Council '*and the Owner consider that the matters contained in this Deed are (a) necessary to make the development acceptable, (b) directly related to the development and (c) fairly related in scale and kind to the development*'. These are similar to the tests in Regulation 122 of the *Communities Infrastructure Levy Regulations 2010*, (CIL) that Regulation stating that it would be unlawful for a planning obligation to be taken into account in a planning decision on a development that is capable of being charged CIL if the obligation does not meet all of the tests.

102. Looking at the detail, the provisions fall under the following headings;

- Mitigation. The increase in residents of the order proposed would have an effect on the provision of services for the town, a matter raised by some residents. [85] A contribution to police, indoor sports and leisure, and the community hall would each provide for the additional demand for facilities or services from the new residents. The environmental contribution similarly overcomes effects of the scheme and the Considerate Construction Plan addresses the effect of the works themselves.
- Sustainability. The matter of the alternative routes is one of the main considerations in this Report, including the bus service, Longwick Road works and pedestrian and cycle ways. Whilst the weight to be attached to these and their effectiveness goes to the merits of the case, and evidence was given in this regard, the provisions of the Deed are necessary to ensure that they are in place at the correct time.

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<sup>120</sup> DOC C12

- Social. One of these subjects is education places and as stated in evidence, there are spare places available at local schools<sup>121</sup>, proof of falling school rolls. However, there are not sufficient places to take both the Hypnos/Whiteleaf and the appeal site children, and the Deed contains a formula which amounts to a 'first come - first served' provision. This appears reasonable and robust in being able to reconcile the variables. Affordable housing is also secured as sought by Core Strategy policies and is a matter for weight in the planning balance.
  - Deliverability. The proposals contain a number of provisions that are put forward as advantages of the scheme and a sign of its high quality of design landscaping and open space/recreation provision. The Deed would ensure that they are delivered at the right time and hence allows full weight to be attached to that claim.
103. The Council covenants that the contributions for the community hall, indoor sports and leisure, police and the environmental improvements contributions will be utilised for local projects, and in the case of existing buildings, their location is stated.
104. The Council has published two documents, *Developer Contributions Supplementary Planning Guidance (October 2011)*<sup>122</sup> and *Developers Contributions, Developers Guide (October 2011)*<sup>123</sup> and the Deeds accord with the aims and procedures set out.
105. Having mind to the nature of the provision and the Schedule ensuring that the relevant contributions are to be expended locally, it is concluded that the proposals satisfy the tests in Regulation 122 of the Communities Infrastructure Levy Regulations 2010 and full weight can be attached to the provisions of the Deeds.

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<sup>121</sup> CD21.13 Stephen Chainani POE

<sup>122</sup> CD8.14

<sup>123</sup> CD8.15



## Inspector's Conclusions – Planning Appeal

106. Having regard to the main considerations identified, my conclusions are as follows. Numbers in brackets [ ] refer to paragraph numbers in this Report.

### ***The Effect of the Development on the Supply and Location of Housing in General, Including Affordable Housing, and Specifically in Furtherance of Policy Aims for Princes Risborough.***

107. There are a number of strands to this consideration, derived from the Council's first reason for refusal; whether a sufficient supply of housing land has been identified, the relationship with the spatial strategy and Princes Risborough's needs, and the matter of greenfield land and the countryside versus previously developed land.

#### *Five Year Land Supply and Future of the South East Plan*

108. The Appellant's view is that the appeal does not hang on any conclusion as to the adequacy of a five year supply of housing land, but on the fact that the proposals are appropriate with regard to Policy CS6. [68]. Also that abolition of the South East Plan is of less significance due to the existence of Policy CS6 driven not simply by the provision of housing numbers but by a series of objectives to which the provision of additional housing contributes. [62]

109. Policy CS12 on housing provision reflects the recommendations in the report of the Panel which examined the draft South East Plan, as it was at the time, and noted that these figures could change in the adopted version. To those figures was added an allowance of 250 dwellings to make up a shortfall of completions in 2001 – 2006 to give an overall requirement of 8050 dwellings. There was a split of 90% in the part of the district within the Western Corridor and Blackwater Valley area and 10%, a figure of 810, in the part outside it, including Princes Risborough. The new homes provided to 2026 will be concentrated primarily in and around the High Wycombe Urban Area, with smaller numbers in Princes Risborough (about 480) and Marlow. The balance will be made up mainly through small developments and infilling at the other settlements in the District. Policy CS6 seeks the identification of specific opportunities to provide a minimum of 480 new dwellings at Princes Risborough. [24]

110. The agreed *Housing Position Statement* [36] records agreement on various figures and the differences between the parties are also recorded [47]. To the extent that the Council claim that any of the disputed sites could make up the difference, the parties are not very far apart when using the Core Strategy requirements for either of the two periods appropriate to the likely date of a Decision. [48]

111. Looking in more detail at the disputed sites;

- Merton House. The change of Use Class may well place it into a different category for counting towards provision, but the reality appears to be that of no additional units being formed or additional people housed.
- William Bartlett site is vacant but clearly has some problems that are causing delays. These do not appear to be insurmountable and this

together with the ownership by an experienced social landlord and the existence of a planning permission all indicate that, in line with guidance, it is reasonable for this site to be included in present assessments.

- Gas Works site appears more complex in that it is connected with wider road changes and contamination of former gas works can be challenging. The long planning history in this context is not necessarily a sign of underlying problems sufficient to suggest that it should not be included.
  - Hypnos/Whiteleaf again has a lengthy planning history and there are still matters to be resolved. There is a strong argument to the effect that the long lead-in time should be narrowing down the remaining obstacles to development. There is no substantiated reason to doubt the ability of the present developer to deliver the expected housing. The bridge over the railway is clearly an outstanding matter and during the site inspection for this appeal it became apparent that there is intervening railway land past the end of the present station footbridge that would need to be spanned. The concerns of Total Carbide as a commercial use within the joint area of these sites is understandable, seeking to protect their interests against the risk, as they see it, of housing occupiers objecting to noise. [70] However, there is a lack of firm evidence, either from the unaccompanied site inspections or the one accompanied by the parties, and attempts by the Council's Environmental Health Officer to visit to assess the situation have come to nothing. [48] Having mind to guidance on how to assess the derivability and developability of sites, it is reasonable for these sites to remain in the figures.
112. Use of the Office for National Statistics figures, Department of Communities and Local Government estimates and projections, and the Chelmer Model would result in higher requirements to measure against, and there is no doubt that these are more up-to-date than those on which either the Core Strategy or the South East Plan were based. However, these raw figures and a mathematical projection *pro-rata* across three parts of the district have not been subject to any local-level scrutiny or involvement. There is a proper process in place for a review of the Core Strategy that will have access to the latest figures and substitution of these figures at individual appeals risks not looking at the full picture. [46]
113. Having regard to the advice in Strategic Housing Land Availability Assessment Practice Guidance [28] there is a sufficiently robust case made for there being a five year supply of housing land across the District.
114. The question of disaggregation was raised, with regard to assessing the area to the north that includes Princes Risborough. Policy CS6 does state the self-contained 480 minimum dwelling Princes Risborough figure. The Appellant argues that using more up-to-date figures and projections this should rise and these considerations will inform a later section of this main consideration. But, the reasons for singling-out the town in that policy are different to the reasons for seeking a five year supply of land in a local authority area and for needing to monitor that supply. There does not appear to be a compelling reason to look at an area less than the District with regard to performance against PPS3 requirements. [47]

115. Policy BE4 of the South East Plan seeks provision of sufficient housing in small rural towns (especially affordable housing) where this would reinforce and develop the distinctive character and role of the town and meet identified needs. The intended abolition of the South East Plan may be a fact by the time the Decision in this appeal is taken. However, the Core Strategy would remain under the provisions of the Draft National Planning Policy Framework with opportunity for Councils to seek certificates of conformity. [46] The Appellant's views on the relative importance to this appeal of the five year supply question and the future of the South East Plan are therefore concurred with.

*The Local Plan Allocation*

116. Saved Policy H2 retains the allocation of land at Park Mill Farm as site (k) as detailed previously notwithstanding the intention to remove this site at the time of saving the rest of the policy [23]. As noted by the 2007 appeal Inspector, the land sits in a location that would normally be contrary to national and local policy to develop for housing. Also as noted, that allocation was not at the time of adoption a straightforward one due to the effect of Policy H4 with regard to phasing and review, and the Inspector then considered that much had changed since the time of adoption, listing a range of documents, guidance, studies and changes in the legislative framework for development plans. Another four and more years have passed since, with further changes to the Development Plan and guidance, reducing again the weight that can be attached to the allocation.
117. The reason for the allocation was stated to be in order to meet the Structure Plan housing requirement, whereas the more recent Core Strategy Policy CS6 identifies problems to be addressed and sets specific objectives to be achieved for the wellbeing of the town, not just in housing numbers, these being similar to the aims of South East Plan Policy BE4. [43]

*The Needs of Princes Risborough*

118. The supporting text to Policy CS6 sets out the challenges facing the town and the surrounding area;
- *School rolls are falling; household size is falling and the population is ageing; house prices are rising forcing young people out of the local housing market and there has been little affordable housing development; less money is spent locally in shops and other services; and there are concerns over the long term economic base of the town.*
119. There is reference in the text to the 2006 study '*The Risboroughs 2035 – A Town Fit for a Prince*' which had significant community involvement. There are shortcomings as identified by the previous Inspector, it is not adopted policy and the document itself is now somewhat dated. However, weight attaches to it as an expression of local, 'bottom-up' planning in line with the greater emphasis being placed on such initiatives. The stated intention to produce a Neighbourhood Plan [85] indicates a community keen to be involved in its future.
120. This document informed Policy CS6 and the supporting text lists four strands as being the vision and which were reflected in the provisions of the policy.

These strands can be identified as section headings within the study with the sub-headings of the study added as follows;

- The retention of young and creative minds in the town as the bedrock of its future growth and development – by having strong schools, facilities and services for young people, affordable homes to retain young people and families, and opportunities for young entrepreneurs. The study identified changes in population and the effects of not addressing the causes.
- The reinforcement of the economy of the town and its strength as a centre for manufacturing, trade and services – good quality business accommodation, retention of existing major employers and enhanced tourism facilities.
- The creation of a high quality public realm as the basis for social and business inter-trading and the exchange of information and ideas – dealing with the effects of through traffic, rebalancing the relationship of traffic to pedestrians, creating an attractive town centre, maintaining accessibility of the town centre as the heart of the community, providing quality green space and enhancing the role of the green setting.
- The re-establishment of a simple, comprehensible and logical structure for the town – the scale, location and setting of green space, the relationship of the station to the town, the location, scale and integration of new development, interconnectivity of key parts of the town, and the experience of the route through the town.

121. The study has therefore accomplished a useful role through its input to the Core Strategy. The Core Strategy Inspector acknowledged this involvement in the evidence base and he considered the resulting topics sound. The following sections will consider how these needs are to be met in the terms of Policy CS6 and its sub-headings numbered 1 to 6, and in each case, the extent to which the appeal proposals meet those needs or conversely, whether the proposals would run contrary to those needs.

### *1 Community*

122. The 480 dwelling figure is not a target but a minimum and the Core Strategy Inspector referred to the need for this figure to be a *'firm minimum guide.....otherwise there may be a reliance on too great a proportion of the non Western Corridor and Blackwater Valley requirement being met in a more adventitious manner by small developments in the less sustainable rural settlements.'* Whatever the intention of the words 'firm minimum' there does not appear to have been a view that any higher minimum figure need be stated. The Appellant argues that using more up-to-date figures and projections this figure should rise by 120 (CLG), 133 (Chelmer unconstrained growth) or 222 (Chelmer zero net-migration). However, the policy is set-up on the basis of addressing problems, rather than on the achievement of figures alone, and whilst there is good evidence that actual need is likely to be in excess of the 480 figure, there is less evidence of a higher figure being required to address the totality of the Policy CS6 aims. [50, 67, 68]
123. As the Council point out, the appeal scheme would provide more than even the highest figure justifies [46] which lessens the weight to be attached to this size

of development, and there is a risk of conflict with the Policy CS2 aim for Princes Risborough of development being on a smaller scale than at High Wycombe and of a character commensurate with the size and relative sustainability of the settlement. There are other sites within the town, as opposed to outside it. These sites are for the longer term supply, and tend to be smaller, but some referred to at the Inquiry are close to the centre along the A4010 where it forms an unattractive avoiding road and could improve the loose and poorly defined townscape in that area. Whilst the Appellant disputes the likelihood of development, they should not be ruled out. [72]

124. The need for affordable housing is a matter of significant weight given the high cost of existing housing in the town, even if not regarded as a 'hot-spot'. A better fit between the size of dwelling on offer and the demand for smaller households, and the demand for affordable family housing all point to the need for development able to supply at the rate and mix sought in Core Strategy Policy CS13. Princes Risborough, like High Wycombe and Marlow, is to attract a requirement for affordable housing on sites of 15 units and above, and greenfield land is to provide 40% when developed, as is former employment land like the Hypnos/Whiteleaf site, as opposed to the 30% for previously developed land. These requirements are subject to the usual provisions on viability and other considerations. This higher figure applicable here acknowledges the differential land value between existing use and residential according to the supporting text to the policy. It also forms the basis of a balance between loss of greenfield land and benefits. [49, 64, 69]
125. The doubts over the delivery of the Hypnos/Whiteleaf sites have been considered, they being Princes Risborough sites and due to provide affordable housing. Merton House is another Princes Risborough site, but whilst the change in use and the tenure appears to class this as affordable housing, it would not contribute in the same way to the provision of the family housing that would address the need to re-balance the population profile. The future sites, being smaller may not supply affordable housing. [48, 70, 72]
126. The aim of reinforcing the strengths of local schools and meeting the needs of young people entails more than just providing more pupils through housing development, and *The Risboroughs 2035* listed a number of initiatives. However, falling school rolls are a symptom of decline and a ready measure of any change. Similarly, improvements to sports and open space provision should keep pace with increased demand and the appeal scheme provides for this through S106 contributions. The reference at part d) of the policy sub-heading to sewage capacity reflects an item within Appendix 2 of the Local Plan regarding relocation, which is not now required, and is another result of development rather than being a positive benefit. [87]
127. The introduction of possibly 900 people with the likelihood of a high proportion of families would have a welcome and positive effect on the tendency for Princes Risborough to be an ageing population. There is a well-developed voluntary and amenity sector in the town and representatives spoke at the Inquiry. [85] Not unusually for a daytime event, these people were from the more mature and retired age group. The description of the population as being wealthy, well-educated and well-housed, and enjoying all the benefits of living in a well-connected small market town [64] appears substantially correct, but

there is little evidence that there is a next generation, or one after that, able to sustain that situation or benefit from it.

## *2 Economy*

128. The Core Strategy aim is to retain existing businesses and encourage new ones. This proposal does not seek to build on commercial land and hence does not threaten that part of the aim, but would provide a workforce through the likelihood of attracting a work-age population. There is no guarantee of a direct linkage between jobs in the town and that population and the bus service to the station might encourage commuting to Aylesbury or High Wycombe at the nearest. However, there is a risk at present, with the predicted fall in the work-age population, of a need for more in-commuting to service the jobs in the town. Representation to the Inquiry referred to there not being jobs available for the new residents, but, if true, that may be a symptom of a transient economic situation and not a reason to ignore the increasing mis-match between the age of the population and the need for employees. [85]

## *3 Transport*

129. This area concerns what is seen as the divisive effect of the main north-south road passing through the town, the A4010, and the relationship of pedestrians and vehicles in the High Street. Whilst a desirable aim, it is difficult to see a direct connection with the development. However, steps to avoid the new development adding further vehicles to the town centre, which will be considered in the next main consideration, would assist in mitigating a possible adverse effect. The introduction of the bus service would have a wider benefit than just transporting the new residents and would link parts of the town not well served at present. This could reduce the present use of cars for some journeys and would improve access to the station, another aim of the policy sub-heading.

## *4 Tourism*

130. Emphasis is placed on the proximity to the Chilterns and the qualities of the 'town fit for a Prince'. The effect on footpaths to the countryside will be considered as part of considerations on sustainability and access in the next main consideration, but care would need to be taken to ensure that development does not adversely affect the attractive features of the town, as sub-heading 6. Tourism relies much on the attractiveness of the town and its setting, and the development risks adversely affecting both.

## *5 Town Centre*

131. This was a significant part of the Inquiry evidence and the vitality and viability of a town centre is a key indicator of the health of a town. The policy seeks to encourage limited new retail development in or on the edge of the town centre to improve its vitality and viability. [50, 74]
132. Much was made of the lack of comparison shopping opportunities, but Core Strategy Policy CS10 states that High Wycombe will be the main comparison shopping destination to serve the district, with towns such as Princes Risborough being important service centres serving their rural catchment

areas, not seeking to serve residents of other towns or rural areas outside their primary catchment area. It is not therefore essential, or even desirable to have significant numbers of comparison shopping units in Princes Risborough. The existing retail offer is somewhat sparse, possibly due to the present difficult trading conditions, but opponents of the appeal scheme point to the recent introduction of national-name outlets. There are charity shops, traditionally seen as a negative indication, but even allowing for vacancies, non-retail uses and charity shops, the High Street appears vibrant and well-used, as much to do with its compact layout centred on the attractive market building. [74, 85]

133. Fears have been expressed that the development would have its own shops and not be part of the town, a separate matter to the concern of the next main consideration on integration and linkages. [85] Those neighbourhood shops are unlikely to compete with or harm the town centre which should benefit from increased footfall and spending. It is clear that the existing population, being well-off, are economically active when retired, but as with the community consideration in sub-heading 1 above, there is a risk of lower levels of succeeding generations to take over and a decline from the present situation will result.
134. Therefore, whilst the town centre appears reasonably vibrant and vital at present, there are signs of a decline already, and that could continue without an injection of new spending power. However, as a significant addition to other developments such as Hypnos/Whyteleaf, there is a risk of the character of the town centre changing for the worse and conflict with Policy CS10.

### *6 Environment*

135. The Policy CS6 aims are to safeguard the historic core and its Chiltern escarpment setting, reinforcing the town's distinctive sense of place, and creating a simple structure, maintaining accessibility of the town centre and improving the interconnectivity between key parts. Much of this is the subject of the next main consideration. Policy CS2 seeks smaller scale development of a character commensurate with the size and relative sustainability of the settlement.
136. Reference is made to the Chiltern escarpment, but that is not the only part of the town's setting although the position of the site between the two diverging railway lines, a commercial site on Longwick Road and a sewage works does limit its feeling of being in truly open countryside and hence the effect on the wider landscape. The application is in outline, but the design code is capable of delivering the quality of the first phase through into further phases and the Design and Access Statement and the illustrative material from the Appellant's architect show an intention to draw design inspiration from vernacular buildings in the town and their use of materials.
137. Whilst this would be a significant increase in the built form of the town, there is a logic in an extension being on this side of the presently asymmetrical town layout, if such an extension is otherwise warranted, and provided acceptable access between the old and the new can be achieved. There are constraints on expansion of the town in other directions apart from those other directions adding further to the asymmetrical arrangement. [73]

138. Nevertheless it is a greenfield site and the Local Plan that allocated the site in Policy H2 recognised at Policy H4 that priority should be given to previously developed land, and stated that Park Mill Farm should not be granted planning permission more than six months from the end of the first phasing period, there being a review mechanism being built into Policy H2 that could delay or supersede the delivery. The supporting text to Policy CS2 states at paragraph 4.10 that on present known requirements it is unlikely to be necessary to identify any significant areas of greenfield land, other than the reserve locations, and the appeal site is not such a location, much before the final years of this 20 year Core Strategy to 2026. If this were to become necessary this strategy would probably need to be subjected to a fundamental review, following a reappraisal of other growth options taking account of a wide range of planning and environmental constraints, including Green Belt.
139. Although the land is affected by neighbouring transport, commercial and utility uses, it is open land close to the town's core, harking back to the town's rural origins before the railways and the later residential development that now spreads in most other directions. Wades Park is a substantial green area close to the centre and Appendix 2 refers to the site having its own green area adjacent on the far side of the railway line, [23] with the assumption of an effective linkage. As proposed, without that effective link, the development would have an adverse effect on the character of Princes Risborough as a small rural town, enlarging it and divorcing it further from the countryside and this is to be placed in the balance with other considerations.

#### *Conclusions*

140. There is a robust case for there being a five year supply of housing land and the abolition of the South East Plan would not have a great effect on the figures district-wide. Figures for Princes Risborough are there to address a particular set of aims and there is a need for a balance to be struck within Policy CS6 and also with Policies CS2 and CS10 as they refer to Princes Risborough's character and retail role. There are problems, apparent or predicted, that if not addressed will harm the character which it is sought to protect.
141. The introduction of 900 or so people would boost the economy and the town centre, address falling school rolls and the underlying problems of an ageing population. The reasons why tourists come to the town could be reduced, and major changes to the composition of the town centre retail offer could affect this too, as well as undermining the aims of Policy CS10. Overall, if there is a need for housing development of this size, the site represents a reasonable choice, subject to linkages with the town centre, and this was recognised by the Local Plan allocation. However there are significant doubts as to the need for this size of development and over its effect on that which Policy CS10 seeks to protect, the character of a small market town, markedly different to its larger neighbours, High Wycombe and Aylesbury. With reference to Policy CS6 and having regard to the other policies, the conclusion in this main consideration is not in favour of this scale of development, in this location, at this time.



***The Effect of the Development on Policy Aims of Achieving Sustainable and Inclusive Forms of Development.***

142. Local Plan Policy H2 has been saved and contains the site allocation named 'Park Mill Farm' and notwithstanding the differences in the land allocated compared with the present appeal site, the relationship with the town and the intervening railway was substantially the same. Appendix 2 of the Local Plan, where it refers to Park Mill Farm, provides principles on how that allocation might be developed, even if the detail was not finalised at that stage, with a development brief awaited, but never published. Whilst limited weight can be attached now to the allocation itself, due to changes in the intervening time, the principles are a guide as to how a satisfactory development was seen as being achievable. [41, 73]
143. The suggested high quality pedestrian and cycle route(s) across the Aylesbury railway line to include a route across Wades Park to give access to the town centre would be likely to satisfy the requirements of Policies CS2 and CS6 on accessibility, but that is not to say that other solutions would fail to. The former policy requires that sites must be well located in relation to jobs, services and facilities and in the most accessible locations for transport by non-car modes and the latter seeks to create a simple structure for the town, maintaining the accessibility of the town centre, improving the interconnectivity between key parts of the town, and developing new tourist facilities.
144. Looking at the provenance of the Local Plan policy, the Plan was the subject of a Public Inquiry into Objections held between October 2000 and October 2001 and reported on in 2002. Objections included that the site breached the town boundary of the railway line and would not be fully integrated with the town. The Inspector commented that the provision of a suitable link across the railway via a subway, *'as required by the Development Principles'*, would ensure an attractive route for pedestrians and cyclists to the wide range of commercial and social facilities available for a town of 8,220 people. He went on to say that it may be possible to provide another link further to the south, subject to investigations into privacy of nearby residents. He agreed that a new subway linking to a route across Wades Park would be a welcome route that, subject to a high quality design, would encourage walking and cycling to the town centre.
145. In considering a second crossing by way of a bridge, he appreciated that this might have amenity difficulties and agreed that the Council's proposed wording change *'does not require a bridge but would allow this desirable feature to be provided if a suitable design to protect the privacy of adjoining residents could be achieved'*. With regard to objections to Appendix 2, he said that the development principles were set out in a level of detail appropriate to a Local Plan, and that the revision to provide for a second crossing of the railway line in an unspecified form is also endorsed. The adopted wording left it open as to whether there were one or more crossings.
146. The Local Plan was adopted by the time of the 2007 Inquiry, in addition to which the Inspector referred to the study published in 2006 *'The Risboroughs 2035 – A Town Fit for a Prince'*. This sought as a general aim that any new development within the envelope of the town be as fully integrated as it can be

in order to achieve the benefits of growth and expansion. In specifically considering the site and future development, the report identified the constraint of the railway. It does appear that this part of the document is only reporting the views of the 'community and its stakeholder representatives' and is not a conclusion in itself.

147. The second main issue at that 2007 appeal was;

- Whether the proposal would result in an unacceptable increase in the number and length of travel movements, especially by car, and whether the development would be adequately accessible by alternative means of transport such as buses, walking and cycling.

148. The appeal Inspector expressed the view that the railway line represented a significant physical and psychological barrier between the site and the town and that if not provided with adequate crossings, the presence of the railway line would harm the future integration of the development into the settlement. Later he said that the Local Plan scheme which led to the allocation of the site included a pedestrian and cycle underpass. When referring to a perceived lack of stress on the part of the Local Plan Inspector on the feature, he says that it appears to be common ground that an underpass would be provided and the Local Plan Inspector did not view the railway as a major barrier as a subway was included in the scheme. The present Appellant is of the opinion that there did not appear to have been anything in either party's case other than that a subway would be required and that the crossings were unsuitable and that is why the Inspector concluded as he did. [81]

149. The appeal Inspector considered the main issue under the following headings;

- *Existing and proposed linkages (aside from the railway crossings)*, which included a bus service, a proposed cycle and pedestrian route via Mill Lane, improvements to the bridleway alongside the railway line to Longwick Road and access to that main road in a similar location to the present scheme.
- *Options for crossing the railway – retain existing crossings*. There was limited discussion at the Inquiry and it is reported that the then Appellant had agreed that the crossings were potentially dangerous. The Inspector noted that without Network Rail's co-operation they would not be upgraded and said that they did not provide the potential, even if they were improved, for safe linkages, and would remain unattractive to users.
- *Options for crossing the railway – closure of the existing crossings*. Apart from the detrimental effect on accessibility, there was no mechanism put in place to seek closure and no certainty of closure being achieved.
- *Options for crossing the railway – underpass*. This was not a feature of that appeal either, but the Inspector considered that its provision would significantly improve pedestrian and cycle linkages with the town and a well designed route would encourage cycling and walking as options to car use.
- *Options for crossing the railway – new bridge*. This was not seen as a realistic option at that appeal due to a lack of consideration of feasibility, design or cost, possibly even the need for voluntary or compulsory purchase.

- *In conclusion*, the proposal was not considered to provide the necessary integration with the settlement and would not provide safe, convenient, good quality and well designed connections between the new homes and the town centre.

These headings are appropriate to the present appeal;

*Existing and proposed linkages (aside from the railway crossings)*

150. The proposed bus service would be a wholly new provision, superior to that previously proposed and has the advantage of certainty as an operator is already under contract. The service would be run with new accessible buses and there is the aim of them being hybrid technology. The service would link the various parts of the site with the town centre and the railway station and in a small town such as Princes Risborough, other facilities would not be far away even if not directly served. Whatever the merits of the provision for other modes, cycling and walking, there will always be a proportion of the residents for whom the bus is their only or first choice, added to in times of poor weather when people might switch from cycling and walking. The more difficult switch to achieve is from the car to the bus, but a good quality, reliable and regular service should be an attraction, and the linkage to the station might result in modal shift for commuters. In addition to use by new residents, it would provide an additional bus service within the town and to the station for existing residents, the station only being served at present by the community bus. [38, 39]
151. The existing route along Longwick Road and the proposed works are detailed in the next main consideration, but they do represent an improvement over the present walking and cycling route along that road and regardless of the future of the crossings, development without these improvements would leave parts of the site poorly related to areas of the town and the primary school on Wellington Avenue in particular. The route of the pedestrian and cycle-way alongside the main road provides the balance of security and safety advocated in Manual for Streets 2 and the widening of the pinch point under the bridge is a benefit.
152. The route initially runs away from what would appear as a direct route to the town centre but for walkers and cyclists that could be overcome to a degree by use of the bridleway alongside the railway. This path is much as described by the previous appeal Inspector; poorly surfaced and somewhat hemmed in by the embankment and the commercial properties. Even if adequately surfaced it would still suffer from poor personal security and would likely be a source of concern for parents of schoolchildren. The Inspector's conclusion that it would not be an attractive or suitable route to encourage walking or cycling still applies.
153. Lastly is the route by way of Mill Lane. This also runs counter to a direct line and presently suffers from poor continuity of footway, necessitating crossing and re-crossing the road to the station, but there is scope for minor improvements at the junction with Summerleys Road, carried out within highway land. [53] It is this route that presently provides the link between the town and the countryside on the promoted walks having crossed the railway and the site, and would also provide a ready access for future residents.

Significant weight attaches to this existing and future use in the promotion of tourism and access to the countryside for leisure.

*Options for crossing the railway – retain existing crossings*

154. It appears to be the case that the crossings are broadly fit for their present purpose, access to the countryside from the town, for dog walking, exercise and longer walking routes. There is also access to and from employment and properties off Summerleys Road. Pedestrian usage is low and leisure use would quite likely be predominantly during daylight hours and by people aware of the nature of the crossings. The train service is regular through the off-peak time, hourly in each direction and there is only the single line. In the December 2011 to May 2012 Monday-Friday timetable there are more frequent southbound trains from approximately 0515hrs to just before 0800hrs when the regular interval service takes over and similarly northbound there are additional trains from 2000hrs to about 0100hrs. There are also freight trains, one of which was seen around lunchtime on the accompanied site inspection. Line speeds are low, being close to the station or in the case of freight trains, the 15mph link to the main line.
155. The present arrangement of the crossings has been described with photographs in various documents as previously identified [20]. An appraisal of their utility and condition follows;
- Mount Way. The crossing is in a shallow cutting with reasonably uniform and surfaced steps on each side, but the surfacing does not extend to the tracks. The crossing itself is not surfaced other than needing to walk on the ballast and step over the rails, but there is a standing area on each side with a reasonable view considering the speed of trains, sufficiently far from the track as to feel safe when trains are passing. This is the 'decision point'. The arrangement is not suitable for wheeling cycles, pushchairs, wheelchairs and the like although they could be carried over. Ambulant mobility-impaired people could find the arrangement difficult to the point of it being unusable. There is a direct surfaced link between houses onto the adopted Mount Way, the other side being straight onto the site. This crossing features in the walking leaflet and appears to provide the direct route to more places.
  - Church Path. The crossing is on a narrow embankment with steep irregular steps on each side. The crossing itself is not surfaced other than needing to walk on the ballast and step over the rails, and there is only a very limited standing area with a view of approaching trains. That standing area is very close to, and below, the tracks, so that passing trains appear uncomfortably near. This 'decision point' does not have such a good view. Being further from the station/junction it is possible that actual train speeds could be marginally higher than at Mount Way. The arrangement is not at all suitable for wheeling cycles, pushchairs, wheelchairs and the like and they could be carried over only with difficulty and care. Ambulant mobility-impaired people would find the arrangement difficult and the point of the crossing being unusable to them would be much sooner, affecting more people. The link from Church Path is not surfaced close to the crossing and on the far side it gives onto the bridleway described above. However, this

path does not appear to be on so many desire lines at present although that could change with the development.

156. Of the two, Mount Way is by far the more usable by a wider cross-section of people, and provides the better quality link between the centre of the site and the town. Church Path does link more directly to the town centre but its link to the site is less central and would suffer shortcomings through use of part of the bridleway with its poor personal safety. Neither is fully inclusive in their ability to be used by many disabled people.
157. Two differing assessment of risk are available;
- Network Rail ALCRM. The All Level Crossing Risk Model indicates that the risk score would increase from D4 to D2 for Mount Way and from D6 to D4 for Church Path. This is said to move Mount Way from a medium risk to a high risk. [85] However, whilst the Appellant has been provided with the outputs, they say that their requests for access to the modelling have not been agreed. Network Rail go on to state the concern that the crossings remaining open would risk misuse and trespass and refer to such occurrences at Griffin Lane near Aylesbury and the consequent effect on services and passengers' travel. Their view is that the development should not go ahead unless the crossings are closed. [85, 93]
  - Mott MacDonald. This report gives a commentary on the use of the ALCRM matrix and the current use of the Mount Way crossing. The conclusions are that the increase in use would not be significant enough to move the risk category from medium to high. It is suggested that improvements be considered and the risk re-assessed on that basis, and that Network Rail and the British Transport Police provide information on crossing safety to new residents. Their view is that the crossing can remain open with the development. [39]
158. On a solely pedestrian crossing like these, the risk is to the user, with little realistic likelihood of harm befalling the wider community, train crew or passengers, other than inconvenience through disruption to services. The matrix shows individual risk lettered with A the highest and M the lowest, with collective risk being numbered from 1 the highest to 13 the lowest. Shading from yellow through orange to red assists any resulting decision. Mott MacDonald explain that an increase in pedestrian users would move the assessment up the matrix, affecting only the individual risk and that appears to be borne out by Network Rail's assessment remaining in the D column, but moving up. There is clearly a disagreement as to whether the degree of movement up the column is sufficient, as Network Rail claim, to move the result within the red shaded, high risk, area. The Appellant claims that Network Rail's views start from a position of wanting crossings closed. That may be an understandable stance given their responsibilities and the fact of crossings being a breach of an otherwise well-fenced and guarded railway system.
159. On occupation of the development, the crossings would provide the most direct route for residents to the town centre and other facilities, most closely the sports centre, health centre and community centre, and Wades Park, as well as the church. It would be reasonable to assume that in good weather the

crossings, and more particularly Mount Way crossing, would provide the more attractive route, avoiding the main road and hence there would be an increase in use. It is furthermore, reasonable to conclude that there would be an increased risk of accidents and incidents with their harmful consequential effects.

160. Mention has been made of the nature of the present users and their familiarity. However, one of the aims of the scheme is to introduce family housing and a younger population. There would be school-age children and it would appear desirable that they be able to walk or cycle to school without adult supervision. The most direct route would be by way of the crossings, Mount Way providing the most direct route to the secondary school. The previous appeal Inspector made reference to risk in relation to children using the bridleway, and similar considerations apply with regard to the crossings. It is entirely possible that children and adolescents would be making the journey in poor light during winter, in addition to which access to evening events cannot be discounted. Whether the crossings are safer traversed by single children, or groups where attention may be diverted at a crucial time, is a further consideration.
161. One aspect of an increased number of residents that has been raised is that of trespass and misuse of the crossings. The experience at Griffin Lane adds weight to this concern. Allowance must be made for other changes affecting Griffin Lane crossing, such as an increased line speed and an increased number of trains, including the extension of passenger services to Aylesbury Vale Parkway station. Nevertheless, it does appear reasonable that with 900 or so new residents so close to the railway, there could be an increased risk of some engaging in this activity. [85]
162. The previous appeal Inspector saw the railway line as a psychological barrier if not adequately crossed. Again, as with the bridleway, there could be perceptions of danger in the minds of parents, beyond the objective analysis of either Mott MacDonald or Network Rail. Such views, whether well-founded or not, could inhibit sustainable modes such as walking or cycling, or lead to the impression of being cut-off from the town.
163. There are references in the Transport Assessment to possible improvements and the Appellant states that these should be carried out to mitigate the increased risk. [76] Network Rail should be able to re-appraise the need for improvement to this end as a duty of care. However, this may not be enough to assuage the negative views just mentioned and there could remain shortcomings for some users due to the topography. There are doubts over whether continuation of use of the crossings would be inclusive of all parts of the new and existing community.

*Options for crossing the railway – closure of the existing crossings*

164. Were the crossings to be closed the routes would be entirely as described above; Longwick Road, the bridleway and Mill Lane. There is some merit in the view of the Appellant that if there were no crossings, and many new residents would never have experienced them, there would be no loss and the development would be judged on the basis of its accessibility by the above routes. [78]

165. However, that was not the view of the originators of the Local Plan Appendix 2 which, no matter its various statements as to not being definitive, did give a clear indication as to the perceived need. Parts of the town would be visible over the railway and the town centre, signalled by the church, would appear close but not directly accessible. Certainly there are towns that are separated by rivers or railways and people get round the obstacle. Similarly there are examples of new crossings on desire lines being considered beneficial to overcome a lack of connection. The lack of a direct link would be a disadvantage of the scheme and would risk reinforcing the psychological barrier in addition to the physical one, giving the residents the feeling of not being part of the established town. Reference has been made to the asymmetrical arrangement of the town, and development would re-balance that as a plan form, but without the direct link that re-balancing would not occur so readily on a social level.
166. The risk of trespass increasing with the retention of the crossings has been addressed, but the risk of trespass with closure has also been raised. It is possible that certain people may take the chance of unauthorised crossing to gain a direct route, and whilst planning should not take over-much account of such activity at the expense of those who do not take part, this is one further matter to be weighed in the balance.
167. Much has been made of the quality, distance and safety of the alternative routes from the viewpoint of the new residents. However, there are the existing users to be considered, those who would notice the loss and who would find their quick and easy route to the countryside considerably varied. There would be some change were the crossings to remain open through needing to traverse the development, but this is stated to be a pleasant environment and whilst not countryside, should have a convenient route through. Closure of the crossings would have a real and detrimental effect on these existing users, incurring a circuitous route to the countryside and one not likely to be aided by the existence of the bus service nor sufficiently mitigated by the improvements to Longwick Road. There would be a risk of them seeing the new development in this light, not aiding social integration.

*Options for crossing the railway – underpass*

168. This is not proposed in the present appeal, neither was it in the 2007 appeal, but does feature in the Appendix 2 'Development Principles' and was a matter for evidence at this Inquiry.
169. The railway line changes along the north-south edge of the site from being in a shallow cutting to being on an embankment as shown on the topographical drawing [Doc A5]. The location where there would be sufficient depth to accommodate an acceptable headroom for an underpass and an adequate thickness of construction under the railway lies more towards the Church Path crossing. These considerations become increasingly marginal as the possible location moves southwards. The aim of having a level route for users, together with sufficient height and width so as to allow a clear view through would be difficult to meet other than near the north-east corner of the site. A location further south would be likely to necessitate either a lower headroom or a dip under the rails, or both. Manual for Streets 1 and 2 both seek underpasses that are as short, wide and direct as possible for personal safety reasons and

to make routes more legible. An inability to see through would not assist these aims. There may also be constructional difficulties in forming the route under an operational railway.

170. However, no design solutions have been made available, and it does not appear to be the case that the architect for the scheme has been engaged to apply his skills to the problem. Even with the possible difficulties, such a crossing near Church Path would satisfy direct desire lines to the town centre and other facilities, would be considerably better than the Church Path crossing, the problems with which may be choking-off use of this direct route, and would firmly place the development as part of the town. The route would suit walkers from the car park and local traffic in the opposite direction.
171. There are stated to be covenants to be overcome and the opposition of the Town Council as owners of Wades Park, who have not been willing to discuss access. [19] However, on the first, covenants do not appear to have been fully explored and the Statement of Common Ground says only that they *'might be breached by a change in use from that related to a dwelling house to any other use such as a bridge crossing or underpass'*. [52] On the second, it is of note that the Town Council are very much against the development going ahead and this could colour their view as to the access; there does not seem to be an imperative on their part to assist. [85]

#### *Options for crossing the railway – new bridge*

172. Due to the relative levels of the site and railway, a bridge would be best suited to the Mount Way location, limiting the rise required to go over the line. Movement to a location further north and more firmly on a desire line would entail a greater height above natural ground level and could bring the location onto Town Council land.
173. Unlike the underpass, this possibility has been actively pursued by this Appellant to the point of coming close to purchasing two houses on Mount Way to be able to construct a bridge without causing amenity problems, the discovery of restrictive covenants putting a stop to this. The Appellant is now promoting the merits of the Longwick Road routes whether or not the at-grade crossings are closed. However, doubts are also now being placed on the quality of the appearance of a bridge, the likely length of ramps adding to distances and reducing the direct connection, as well as on the personal safety for users.
174. Similar to the underpass question, the architect of the scheme has not produced any design and it does not seem necessary for this feature to be a standard highway solution, but could be a fully integrated part of the overall scheme design, responding to personal safety concerns and forming an attractive, safe and readily used route for all members of the new and existing community. The problems of construction over an operational railway may well be easier to deal with than with an underpass.

#### *Conclusion*

175. Eight key findings come out of this analysis;



- Notwithstanding the terms of Appendix 2 to the Local Plan, serious consideration was given then to the need to integrate the development by way of a route across the railway.
  - A previous appeal was dismissed partly due to the lack of quality linkages with the town.
  - The railway could be seen as a psychological barrier whether or not the crossings are retained.
  - The issue of safety is not clear-cut and there is a good case for erring on the side of caution particularly having regard to likely increased use by children and the possibility of more use out of daylight hours.
  - Closure of the crossings would inconvenience existing users and fail to integrate the new development socially.
  - Whilst there are definite obstacles to the formation of a grade-separated link, such a link could be placed more firmly on desire lines than either of the present crossings.
  - A grade-separated link could be a positive, well-designed physical feature as well as performing a linking role.
  - Reliance on the alternative routes, and particularly Longwick Road, would provide a safe access, and in the absence of any crossing would provide acceptable travel distances.
176. Overall, closure of Church Path crossing would be less of a loss to existing users and more of a gain in safety terms. A sufficiently robust case can be made for the closure of Mount Way crossing were the development to go ahead, through the actual risk, and the likely perceived risk. Whilst the alternative route would be satisfactory in itself, the development would appear attached to, but not part of the settlement. An opportunity would have been lost to fully integrate the development with the town from the outset, for the benefit of both new and existing residents and users of the footpaths. Whatever the merits of the alternative route, it fails to address the loss and inconvenience that would be felt by existing users and significant weight attaches to this in terms of tourism, leisure and social integration.
177. Even with the crossings retained the resulting development would risk not achieving the aims in Core Strategy Policy CS6 of maintaining the accessibility of the town centre and improving the interconnectivity between key parts of the town nor those of Policy CS20 of providing safe, convenient and attractive access on foot and by cycle, making suitable connections with existing footways, bridleway, cycle-ways, local facilities and public transport so as to maximise opportunities to use these modes. Closure of the crossings would make the failure on these counts that bit more acute. Either way, the lack of a readily accessible route over the railway would disadvantage the less able members of the population and would not therefore produce an inclusive form of development. The disruption to the footpath networks would fail to ensure that the convenient use and enjoyment of existing public rights of way such as footpaths and bridleways are not affected by development, a further

requirement of Policy CS20, and this would not further the aims of the Buckinghamshire Rights of Way Improvement Plan 2008. [59]

### ***The Effect of the Development on Agricultural Land.***

178. The land is within mainly Grade 2 with some Grade 3a as agreed in the Statement of Common Ground [36]. As noted in Chapter 15 of the Environmental Statement there is a majority of Grade 2 quality (57%), with some sub-grade 3a land (30%) on its northern parts and a narrow strip of sub-grade 3b land (6%) adjacent to Kinsey Cuttle Brook. The remaining 7% is stated to be non-agricultural land. Chapter 17 lists mitigation as being *'quality and quantity of soil on the application site will be maintained by implementing careful handling of soils through appropriate techniques such as stripping, storing and re-use and avoidance of unnecessary disturbance to in-situ soil'*. The residual effect in Chapter 18 is 'minor adverse' and temporary with regard to disturbance of soils and 'moderate adverse' and permanent with regard to the loss of the best and most versatile agricultural land.
179. There is therefore a high percentage of the land within the grades that are referred to as being the best and most versatile agricultural land in paragraph 28 of Planning Policy Statement 7 *"Sustainable Development in Rural Areas"*. However that paragraph goes on to state that this should be taken into account alongside other sustainability considerations when determining planning applications. Although attracting only limited weight in its current draft form, the National Planning Policy Framework does not propose to change the need for a balance to be struck.
180. The site was allocated for development in Local Plan Policy H2 and that policy was saved as set out previously. When considering this matter in 2007 the previous Inspector stated the view that the loss *'should be taken into account alongside other matters, including the need for the development and the sustainability of the proposal'* and that view is concurred with now. He concluded that, since the balance had shifted in favour of retention of the agricultural land for various reasons, and that there was harm to the supply of housing and sustainability issues, the loss was unacceptable.
181. It is clear from the past planning history, both in terms of the Local Plan allocation and the previous appeal, that this consideration remains a matter of balance and that there is not an overriding imperative to retain the land were all else acceptable. [29, 30] That balanced approach is provided for in both national and local policy, and this will therefore be a matter for the overall conclusions following the remaining main consideration.

### ***The Effect of the Development on Highway Safety and the Free Flow of Traffic.***

182. It is proposed to have a range of works carried out along Longwick Road with the aim of improving the quality of the route for pedestrians and cyclists for the reasons assessed in the second main consideration on the sustainability of the development. Provision is made in the S106 Agreements to this end. [99]

The route at present does not have any dedicated cycling facilities or segregated lane, and the footway is mainly only on the north-east side of the road, furthest from the site. The main residential development of the town stops where the railway passes over the road by a bridge, although there are commercial units and isolated other development on the country side of the line. The present highway arrangement appears to function adequately and the accident record is agreed in the Transport Statement of Common Ground with no significant road safety issues identified. [38]

183. The previous, 2007, appeal scheme utilised a similar route along Longwick Road from an entry at broadly the same point, but there are significant differences now in the form of that entry, being a 'T' junction with priority to the main road, as opposed to a roundabout, and the pedestrian/cycle-way would be separated from vehicular traffic from within the site, running along the south-west side of Longwick Road, where none exists at present. There is a pinch-point at the railway bridge with very major engineering works to the abutments of the bridge needed to increase the width. Unlike the previous scheme which maintained the vehicular carriageway width but reduced the footway/cycle-way, the present scheme reduces the carriageway and maintains the segregation and width of the latter. The relevant drawing [CD3.23] shows this reduced width of carriageway and shuttle working with traffic entering the town giving way to those leaving. This is the remaining contentious area between the Appellant and the Highway Authority, following agreement over reason for refusal 6 on traffic generation. [77]
184. Such re-allocation of space between carriageway and footway/cycle-way is as advocated in Manual for Streets 2. There would be some restriction in the free flow of traffic bound for the Tesco roundabout and the diverging routes at that point, and a reduction in actual vehicle speeds. The reduction in speed would assist in making the route more attractive for pedestrians and cyclists as well as safer, and the width restriction would be limited in its delaying effect while introducing a further limit to speeding or reckless driving. [77] The Appellant notes that the '*Local Transport Plan – Local Area Strategies*' for Princes Risborough refers to the need to reduce the negative impacts of the A4010, including severance, road safety and poor environmental conditions, despite its strategic significance. No such strategic significance applies to the A4129 Longwick Road. Furthermore, the County Council's '*Traffic Calming Portfolio*' refers to narrowings as significantly reducing traffic speeds, working well with high traffic flows and how the relocation of road space reduces the dominance of motor vehicles. The disadvantages are stated to be the cost, the need for illumination, that a minimum width is required to begin with, hindrance to emergency vehicles and public transport, and increased noise. Having mind to the location and further advantages to pedestrians and cyclists, the limited effect on the free flow of traffic would be outweighed by the benefits of the scheme.
185. The Highway Authority states that there would still be uncertainty over delivery due to the need to consult on the changes. [54] There has been consultation on the appeal proposal as a whole and since the Longwick Road proposals appear consistent with the Local Transport Plan's objectives, the Appellant's view is concurred with that this processes is unlikely to reveal new and substantiated objections. In particular, the operator contracted to run the

proposed new bus service is aware of the proposals and raises no objection.  
[77]

186. As mentioned, the sixth reason for refusal had been agreed by the start of the Inquiry, but still features in the concerns expressed by local residents. Their view remains that the additional traffic would have a detrimental effect on the local road network. That reason for refusal was stated in terms of there not being sufficient information for the Council to be certain as to the effects. Additional information was made available so that agreement could be reached in the Transport Statement of Common Ground as to the effect and the resultant need for mitigation measures, provided for by condition and S106 Agreement. Whilst new development of this size would generate additional traffic, and with regard to numbers, this depends on the effectiveness of the encouragement given to non-vehicular journeys, considered in the previous main consideration on sustainability, the evidence is that this traffic can be accommodated safely and effectively on the existing road network. [38]
187. The proposals are therefore consistent with the Local Transport Plan as sought in Core Strategy Policy CS16 and would accord with the aims of Policy C20 in ensuring that the convenience, safety, and free flow of traffic using public highways (including pedestrians, riders and cyclists) are not adversely affected. The requirements of Local Plan Policy T13 would be satisfied in the works to mitigate the effect of the traffic and encourage non-motorised transport.

### ***Overall Conclusions and Planning Balance***

188. The site was considered suitable for housing development as a Local Plan allocation but with conditions attached as to programming and with indications of the expected form of the development and its link with the town, however lacking in detail and non-committal. A previous appeal was dismissed partly due to changes having taken place since the adoption of the Local Plan and more changes have taken place since then further reducing the weight to be attached to the allocation. In addition, whilst that allocation was to address housing requirements set at a higher level of the Development Plan, the present requirements for housing in Princes Risborough are to address the needs of the town and threats to its longer term future indicated by its ageing population.
189. These Core Strategy policies for Princes Risborough seek a balanced range of outcomes, and not just numbers. Development is to be on a smaller scale (than High Wycombe) and of a character commensurate with the size and relative sustainability of the town. That character is of a small market town, but developed in an asymmetrical arrangement, and the nature of the site, hemmed in by transport, utility and commercial uses, is not one of truly open countryside. There are limited places for expansion of the town, but opportunities are being taken to develop without such expansion.
190. The proposed development would be adversely affected by what a previous Inspector described as the physical and psychological barrier of the railway line a matter recognised as part of the Local Plan allocation through Appendix 2. The alternative route would be satisfactory in itself, and would not adversely affect traffic movements, but the development would fail to take advantage of

the opportunities of the site and would risk being unacceptably separated from the town, failing to be fully integrated socially, whether the rail crossings were to remain or be closed.

191. Erring on the side of safety would indicate the need to close the railway crossings and in addition to bringing about a severance of a direct route to the town for new residents, would seriously reduce the connection with the countryside for existing residents and visitors and would harm tourism and leisure opportunities. The merits of the alternative route and its bus service are insufficient to overcome this actual loss and the lost opportunity for a truly integrated, sustainable and inclusive form of development.
192. In the planning balance, whilst the development would go some way to addressing the needs of the town, including affordable housing, and would further the aims of the Ministerial Statement on Planning for Growth, there would be unacceptable long-term consequences which outweigh the positive aspects of the development. The loss of the best and most versatile agricultural land is not therefore acceptable in this case. Development would be contrary to the policies of the Development Plan and the Core Strategy in particular, if in the absence of the South East Plan, which seek to strike a balance between the needs of Princes Risborough and the protection of its character and features that make it an attractive place in which to live, work and visit.
193. Full weight attaches to the provisions of the S106 Deed, but whilst there would be some wider benefits more than just mitigating the effects of the development, the provisions do not outweigh the harm that would be caused. For the reasons set out above it is concluded on balance that the development would not be acceptable.

### **Inspector's Conclusions – Stopping-up Orders**

194. Having regard to the main consideration identified, my conclusions are as follows. Numbers in brackets [ ] refer to paragraph numbers in this Report.

*Whether the stopping-up of either or both of the paths is necessary in order to enable the development to be carried out.*

195. Section 247 of the Town and Country Planning Act 1990 states that the Secretary of State may by Order authorise the stopping-up or diversion of any highway if he is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted.
196. There is a need for a balance to be struck between the needs of the various users of the crossings, both future and present. Confirmation of the Orders should not automatically follow any decision on the development's acceptability and the need for closure for that development to go-ahead, as determined in the case of *K. C. Holdings (Rhyl) Ltd v SSW and Colwyn Borough Council* (QBD)[1990] JPL 353.
197. In this case the railway crossings appear to be operating satisfactorily at present and provide a link for existing residents and visitors between the town and the countryside. [85] That link is direct and convenient and gives access to the open land of the appeal site. There would be some change were the

development to go ahead as that open land would be developed, and there would therefore be a need for walkers and others to traverse the development to reach truly open countryside. But, that development would be to a high visual standard as asserted by the appellant. [63]

198. However, were the crossings to be closed, without an alternative grade-separated crossing, and no such crossing is proposed in this development, many existing users would find an increase in travel distance along a less attractive route, and hence would suffer unacceptable inconvenience. [85] The conclusion in respect of the stopping-up Orders alone is that there would be an adverse effect on those entitled to the rights which would be extinguished, and that the Orders should not be confirmed.
199. Furthermore, and for completeness, the reasoning on the planning merits of the appeal, taken on balance, lead to the conclusion that the development would be contrary to the Core Strategy and should not go ahead. Consequently, and on the basis that there is no planning permission and no development, it is concluded that there is no necessity under the Section 247 of the Act to close either of the highways where they cross the railway.

#### **Recommendation to Secretary of State for Communities and Local Government – Planning Appeal**

200. I recommend that the appeal be dismissed.
201. However, should the Secretary of State for Communities and Local Government disagree with my recommendation, I am of the view that the conditions set out in Annex C should be attached to a planning permission, in addition to the Section 106 Agreement.
202. In particular, and for the reasons set out above concerning considerations of real and perceived risk to life, I consider that Condition 39) should be attached to any grant of permission, requiring the closure of both crossings before the development proceeds, being necessary to allow the development to go ahead. It should be noted that if Condition 39 (or a condition to the like effect) is not attached, then closure of the crossings could not be considered to be necessary in law to allow the development to go ahead.

#### **Recommendation to Secretary of State for Environment, Food and Rural Affairs – Stopping-up Orders**

203. I recommend that neither of the Orders should be confirmed.
204. Should the Secretary of State for Environment, Food and Rural Affairs disagree with my recommendation regarding the effect of closure on users, and only in the event that planning permission is granted, with Condition 39 (or a condition to the like effect) attached, both Orders should be confirmed for the reasons set out above as closure would be necessary in order to enable the development to be carried out in accordance with the planning permission as provided for in Section 247 of the Act.

*S J Papworth*

INSPECTOR

## ANNEX A

### APPEARANCES

#### FOR THE LOCAL PLANNING AUTHORITY:

Morag Ellis QC	of Queens Counsel instructed by Ifath Nawaz LLB(Hons), Solicitor Planning Wycombe District Council
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Also instructed by Anne Davies, Head of  
Legal & Democratic Services,  
Buckinghamshire County Council

She called;

Ian Manktelow BSc MPhil MRTPI	Team Leader, Planning Policy Wycombe District Council
Michael Walker	Environment Group Manager Buckinghamshire County Council
Del Tester I Eng FIHE MCIHT	Director of DT Transport Limited, Lead Development Officer for Transport for Buckinghamshire Buckinghamshire County Council

#### FOR THE APPELLANT:

Martin Kingston QC	of Queens Counsel instructed by L Newlyn Barton Willmore LLP and assisted by Rowena Meager
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He called;

Steve Hinsley BA(Hons) MRTPI	Senior Director Tetlow King Planning Limited
Professor Robert Adam RIBA FRSA	Partner ADAM Architecture
Tim Allen TPP MCILT MCIHT	Partner Peter Brett Associates
Mark Hewett	Partner Intelligent Land
Dave King BA(Hons) MA MRTPI	Consultant Barton Willmore
Bill Brisbane BSc(Hons) DipTP MRTPI FRICS	Consultant Roger Tym and Partners
Lee Newlyn BA(Hons) FRTPI DipMS DipUD	Senior Planning Partner Barton Willmore

#### INTERESTED PERSONS:

Cllr Bill Bendyshe-Brown	Councillor for The Risboroughs Wycombe District Council
Cllr Alan Turner	Councillor for The Risboroughs

Dr Reg Orsler	Wycombe District Council
John Hughes	Member Risborough Town Council
Tony Davies	Risborough Area Partnership
Eric Gadsden	Risborough Area Residents Association
Steve Dexter	Managing Director W E Black Ltd
John Roberts	Network Rail
Alexander Macfarlane	Resident
	Princes Risborough Area Heritage Society,
	Risborough Countryside Group and Chiltern
	Society Rights of Way Group
John Esslemont	Ramblers Association, Buckinghamshire,
	Milton Keynes and West Middlesex Area
Pat Voss	The Chiltern Society
John Romaya	Resident
Christine Romaya	Resident
Wendy Pawsey	Assistant Pastor
	Chiltern Christian Fellowship
Tony McManus	Chairman
	Risborough Rangers Junior Football Club



## ANNEX B

### DOCUMENTS

#### General

- |       |  |
|-------|--|
| DOC 1 | Recovery letter from the Secretary of State for Communities and Local Government 21 June 2011                          |
| DOC 2 | Agenda and Notes from Pre-Inquiry Meeting 14 October 2011  |
| DOC 3 | Appeal Questionnaire documents, including third party written representations received by Council at Application stage |
| DOC 4 | Third party written representations received by Planning Inspectorate at appeal stage                                  |
| DOC 5 | Black folder of objections, statements. Letter of support and neutral letters regarding the Stopping-up Orders         |
| DOC 6 | Blue folder of Appellant's Proofs of Evidence regarding the Stopping-up Orders   |
| DOC 7 | Final Draft Schedule of Conditions 19 December 2011  |

#### Submitted at Inquiry by Council

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|-----|--|
| C1  | Opening Statement by Morag Ellis QC  |
| C2  | Memo from WDC Head of Environmental Services 7 December 2011 (added to Core Document 15.12)  |
| C3  | Copy of Update to Planning Committee Report for application 10/05238/OUT – Former Hypnos Site, Station Road, Princes Risborough, Buckinghamshire HP27 9DN 7December 2011 – (Now new Core Document CD15.13) |
| C4  | Griffin Lane Railway Crossing, Aylesbury: Note by Michael Walker December 2011<br>Griffin Lane Footpath Crossing Statement by Network Rail   |
| C5  | Thames Water statement 8 December 2011   |
| C6  | Appendix A (now in CD13.3)   |
| C7  | Section 106 Agreement (Wycombe District Council) dated 2 December 2011   |
| C8  | Location plans of sites for Inspector to visit in Princes Risborough and High Wycombe  |
| C9  | Further Transport Statement of Common Ground (Now CD17.4)  |
| C10 | Robert Adam Brief/Fee Letter 7 April 2009  |
| C11 | e-mail from Carl Griffin, Environmental Health Officer to Lucy Bellinger, Principal Development Management Officer, 15 December 2011   |
| C12 | Section 106 Agreement (Buckinghamshire County Council) dated 13 December 2011  |
| C13 | Closing Submissions by Morag Ellis QC (with manuscript note by Inspector of additional oral submissions)   |

#### Submitted at Inquiry by Appellant

- |    |   |
|----|---|
| A1 | Opening Statement by Martin Kingston QC                           |
| A2 | Letter from Total Carbide to Richard White, Principal Development |

	Management Officer at WDC, 5 December 2011
A3	CD12.4 (now within core document box)
A4	Bill Brisbane's Evidence in Chief (document reference RTP1b) submitted 15 December 2011
A5	Larger scale topographical survey used as basis for CD2.2
A6	Response from Tim Allen to Del Tester's note in respect of CD2.2, 15 December 2011
A7	Local Plan proposal map insert (Princes Risborough)
A8	Design Code Condition
A9	Closing Submissions by Martin Kingston QC (with transcript by Appellant of additional oral submissions, agreed by Council by e-mail 23 January 2012)

#### Submitted at Inquiry by Others

NR1	Network Rail statement 8 December 2011
3/1	Bundle of speaking notes and information from Interested Persons appearing at the Inquiry

#### Core Documents (amended as at close of Inquiry)

#### **CD1 Parameter Plans, Illustrations and Maps**

CD1.1	5425 001: Red Line Boundary Plan
CD1.2	5425 SK33A: Indicative Masterplan
CD1.3	5425 SK32: Indicative Masterplan overlain with Odour Contours
CD1.4	5425 SK27M: Parameter Plan – Land Use Option 1
CD1.5	5425 SK27M: Parameter Plan – Land Use Option 2
CD1.6	5425 SK28F: Parameter Plan – Building Heights in Storeys
CD1.7	5425 SK26F: Parameter Plan – Building Heights AOD
CD1.8	5425 SK29C: Parameter Plan – Density
CD1.9	L9: Landscape and Biodiversity Management Plan
CD1.10	L5 Revision D: Landscape Strategy Plan
CD1.11	L10 Revision D: Landscape Strategy Plan: Sport and Play
CD1.12	L12: Longwick Road Landscape Strategy Plan
CD1.13	22951/014/008: Concept Design of Longwick Road Traffic Calming Measures
CD1.14	5425: Gatepost Elevations
CD1.15	01C: Park Mill Farm Land Registry Plan
CD1.16	Restrictive Covenant table: accompanies CD1.15 – Park Mill Farm Land Registry Plan

#### **CD2 Plans not Formally Submitted to Local Planning Authority but Issued for Clarification Purposes Only**

CD2.1	5425 SK35: Indicative Phasing
CD2.2	SK26 F: Height AOD Overlain on Topographical Plan

#### **CD3 Land at Park Mill Farm Planning Application Documents (contained within the Appeal Package)**

CD3.1	Original Planning Application form dated 6 <sup>th</sup> October 2011
CD3.2	Planning Application Booklet (Barton Willmore, September 2010)
CD3.3	Affordable Housing Report (Tetlow King, September 2010)
CD3.4	Statement of Community Involvement (Meeting Place Communications, September 2010)
CD3.5	Housing Land Availability Assessment (Barton Willmore, September 2010)
CD3.6	Utility and Physical Infrastructure Locality Review (Peter Brett Associates, September 2010)
CD3.7	Landscape and Biodiversity Management Strategy (Barton Willmore, August 2010)
CD3.8	Quantitative Open Space Assessment (Barton Willmore, September 2010)
CD3.9	Energy Statement (Peter Brett Associates, September 2010)
CD3.10	Sustainability Appraisal (Peter Brett Associates, September 2010)
CD3.11	Planning Statement (Barton Willmore, September 2010)
CD3.12	Arboricultural Survey: Drawing 1 AA AIA 01 (Aspect Arboriculture, September 2010)
CD3.13	Arboricultural Survey: Drawing AA TL 01
CD3.14	Tree Schedule AA TS 01 (Aspect Arboriculture, September 2010)
CD3.15	Design and Access Statement (ADAM Urbanism, September 2010)
CD3.16	Draft Section 106 Agreement (S106-D6, K & L Gates, September 2010)
CD3.17	Report on draft Section 106 Agreement (Draft S106-D2, K & L Gates, September 2010)
CD3.18	Revised Tree Schedule AA TS 02 (Aspect Arboriculture, March 2011)
CD3.19	Comparative Risk Assessment (Peter Brett Associates, January 2011)
CD3.20	Revised Design and Access Statement (ADAM Urbanism, April 2011)
CD3.21	Energy Statement Addendum Memo (Peter Brett Associates, February 2011)
CD3.22	Revised Landscape and Biodiversity Management Strategy (Barton Willmore, April 2011)
CD3.23	Longwick Road Enhancement Strategy (Peter Brett Associates, March 2011)
CD3.24	Mounts Way Level Crossing Report (Supplement to Environmental Statement Chapter 10: Transport and Access) (Mott McDonald, October 2010)
CD3.25	Amended Planning Application Booklet (Barton Willmore, October 2010)
CD3.26	Additional Section 106 Heads of Terms and Revised Draft Agreement (Addit. Heads of Terms D2/S106-D7, K & L Gates, April 2011)
CD3.27	Socio Economic Impact Report (Roger Tym & Partners, March 2011)
CD3.28	Supplementary Statement of Community Involvement (September 2010)
CD3.29	Briefing Note regarding Legal Procedures of Footpath Crossings (K & L Gates, January 2011)
CD3.30	Note on Affordable Housing Proposals 10/07225/OUTEA (Tetlow King, January 2011)
CD3.31	Retail Briefing Note on Sequential Test Requirements (Barton Willmore, January 2011)
CD3.32	Environmental Statement

CD3.33 (a, b, c)	Environmental Statement: Technical Appendices
CD3.34	Environmental Statement: Non Technical Summary
CD3.35	Environmental Statement Technical Appendix 10.2: Transport Assessment
CD3.36	Revised Environmental Statement Chapter 11: Air Quality and Odour
CD3.37	Revised Technical Appendix 11.2: Odour Impact Assessment for Princes Risborough (TWUL10B, Odournet UK Ltd, November 2010)
CD3.38	<del>Copy of Site Ownership Certificate and Agricultural Holdings Certificate submitted to LPA at application stage-</del> DELETED – refer to original Planning Application Booklet CD3.2
CD3.39	Copy of newspaper advertisement published in the Bucks Free Press
CD3.40	Copy of letter and accompanying notice issued to Buckinghamshire County Council
CD3.41	Copy of letter and accompanying notice issued to Dominic Uhart, agricultural tenant
CD3.42	Copy of completed Certificate C
CD3.43	Wycombe District Council Decision Notice (May 2011)
CD3.44	Letter from Wycombe District Council to Harbour Castle Ltd – 1 <sup>st</sup> August 2011
CD3.45	Letter from Wycombe District Council to the Planning Inspectorate – 1 August, 2011
CD3.46	Planning Inspectorate Questionnaire – 29 <sup>th</sup> July 2011
CD3.47	Letter from Buckinghamshire County Council to Wycombe District Council – 11 November 2010
CD3.48	Letter from GOSE to Barton Willmore – 10 <sup>th</sup> March, 2010
CD3.49	Wycombe District Council – Planning Notice re. 10/07225/OUTEA
CD3.50	DELETED
CD3.51	Letter from The Wildlife Trusts to Wycombe District Council – 10 November, 2010
CD3.52	Letter from Wycombe District Council to Barton Willmore - 5 February, 2010
CD3.53	Public Notices Advert
CD3.54	Officers report to Committee dated 25 May 2011 including update report
CD3.55	Minutes of Committee Meeting dated 25 May 2011
CD3.56	DELETED
CD3.57	Email from Buckinghamshire County Council to Wycombe District Council dated 19 May 2011
CD3.58	Letter from Sport England to WDC dated 11 November 2011

#### **CD4 Applications for Stopping Up under Section 247 and Section 253 Town and Country Planning Act 1990 (TCPA 1990) of Footpath Crossings at Church Path and Mount Way, Princes Risborough**

CD4.1	Stopping Up and Diversion of Highways Application Form: Church Path, Princes Risborough
CD4.2	Stopping Up and Diversion of Highways Application Form: Mount Way, Princes Risborough
CD4.3	Drawing No. 22951/006/028: Public Rights of Way
CD4.4	Drawing No. 229511/006/029E: Public Rights of Way - Proposals for

	Closure (1 of 2)
CD4.5	Drawing No. 229511/006/030B: Public Rights of Way – Proposals for Closure (2 of 2)
CD4.6	Email from Network Rail to Lucy Bellinger at Wycombe District Council, 12 <sup>th</sup> April 2011 at 11.05
CD4.7	Covering letter to National Transport Casework Team, Government Office for the North East (Barton Willmore, 20 <sup>th</sup> June 2011)
CD4.8	Rights of Way Improvement Plan 2008-2018, Buckinghamshire County Council (March 2008)
CD4.9	Minutes of meeting between Peter Brett Associates and Buckinghamshire County Council dated 16 April 2010, Public Rights of Way
CD4.10	Rights of Way Circular (1/09): Guidance for Local Authorities – Version 2 (DEFRA, October 2009)
CD4.11	Statement of Case of Secretary of State for DEFRA
CD4.12	Copy of objections to Closure Orders

### **CD5 Correspondence and Documents Associated with the Appeal**

CD5.1	Copy of letter from Wycombe District Council notifying interested persons of forthcoming Inquiry, 20 <sup>th</sup> July 2011
CD5.2	Copy of Wycombe District Council Appeal Letters Circulation List

### **CD6 National Planning Policies and Guidance**

CD6.1	PPS1 (Delivering Sustainable Development) 2005
CD6.2	PPS1 Planning and Climate Change - Supplement to PPS1 2007
CD6.3	The Planning System: General Principles 2005
CD6.4	Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate (2010)
CD6.5	PPS3 (Housing) 2011
CD6.6	PPS4 (Planning for Sustainable Economic Growth) 2009
CD6.7	PPS5 (Planning for the Historic Environment) 2010
CD6.8	PPS7 (Sustainable Development in Rural Areas) 2004
CD6.9	PPS9 (Biodiversity & Geological Conservation) 2005
CD6.10	PPS10 (Planning for Sustainable Waste Management) 2011
CD6.11	PPG13 (Transport) 2010
CD6.12	PPG17 (Planning for Open Space Sport and Recreation) 2002
CD6.13	Assessing Needs and Opportunities: a Companion Guide to PPG17
CD6.14	Consultation paper on a new Planning Policy Statement: Planning for a Natural and Healthy Environment (2010)
CD6.15	PPS22 (Renewable Energy) 2004
CD6.16	PPS23 (Planning and Pollution Control) 2004
CD6.17	PPG24 (Planning and Noise) 1994
CD6.18	PPS25 (Development and Flood Risk) 2010
CD6.19	The draft National Planning Policy Framework (25 <sup>th</sup> July 2011)
CD6.20	The draft National Planning Policy Framework: Consultation (July 2011)
CD6.21	Draft National Planning Policy Framework: Impact Assessment

	(March 2011)
CD6.22	Advice produced by the Planning Inspectorate for use by its Inspectors: National Planning Policy Framework Consultation Draft (revised guidance dated 30 <sup>th</sup> August 2011)
CD6.23	The Plan for Growth, HM Treasury/BIS (March 2011)
CD6.24	Letter to Chief Planning Officers from Steve Quartermain, Chief Planner, DCLG (containing Written Ministerial Statement on 'Planning For Growth', Rt Hon Greg Clark, (23rd March 2011) at Annex A) (31 March 2011)
CD6.25	Local growth: realising every place's potential, HM Government (28th October 2010)
CD6.26	Advice produced by the Planning Inspectorate for use by its Inspectors Materiality and weight of a Bill before Royal Assent (18 <sup>th</sup> February 2011)
CD6.27	Community Infrastructure Levy - An Overview, CLG (9 <sup>th</sup> May 2011)
CD6.28	Circular 05/05: Planning Obligations (July 2005)
CD6.30	Circular 11/95: The Use of Conditions in Planning Permissions (July 1995)
CD6.31	CLG's guidance on Demonstrating a 5 Year Supply of Deliverable Sites
CD6.32	PPS12 (Local Spatial Planning) 2008
CD6.33	Guidance on Information Requirements and Validation (DCLG, March 2010)
CD6.34	Town and Country Planning Development Management Procedure Order (DMPO, 2010)
CD6.35	Strategic Housing Land Availability Assessments – Practice Guidance (DCLG, July 2007)
CD6.36	Strategic Housing Market Assessments: Practice Guidance (DCLG, July 2007)
CD6.37	Housing Market Information: Advice Note (DCLG, May 2007)
CD6.38	Circular 7/91 : Planning and Affordable Housing (10 <sup>th</sup> December 1991)
CD6.39	Planning Obligations Practice Guidance (DCLG 2006)
CD6.40	Letter to Chief Planning Officers from Steve Quartermain, Chief Planner, DCLG: Design and Planning (May 2011)
<del>CD6.41</del>	<del>Delivering Affordable Housing, DCLG (2006)</del> DELETED owing to duplication, see 14.8
CD6.42	Employment Densities Guide 2 <sup>nd</sup> Edition, Homes and Communities Agency, 2010
CD6.43	Planning and the Budget, Department for Communities and Local Government, March 2011
CD6.44	Written Ministerial Statement of Rt. Hon Greg Clark MP – Wednesday 19 <sup>th</sup> October 2011 – Communities and Local Government – Planning Reform
CD6.45	Laying the Foundations: A Housing Strategy for England – HM Government, November 2011

## **CD7 The South East Plan**

CD7.1	The South East Plan Examination in Public: November 2006 – March 2007 - Report of the Panel Volume 1: Report (August 2007)
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- CD7.2 The Regional Strategy for the South East of England: The South East Plan, GOSE, 2009
- CD7.3 Development Management and the South East Plan: Delivery and Implementation of the South East Plan through Development Management (South East England Partnership Board, August 2009)
- CD7.4 South East Plan Supplementary Guidance: Employment Land Reviews, Consultation on a South East Regional Approach for Employment Land Reviews, SE Partnership Board, July 2009
- CD7.5 Statement by Boyer Planning to the South East Plan Examination, Matter 9 Rest of County Areas, Sub Matter 9E Rest of Surrey, West Berks and Rest of Bucks, January 2007

### **CD8 Wycombe District Council Local Planning Policies, Guidance and Other Relevant Documents**

- CD8.1 Wycombe Adopted Core Strategy Development Plan Document (July 2008)
- CD8.2 Report on the examination of the Wycombe Core Strategy Development Plan Document by the Planning Inspectorate (Roy Foster), 17<sup>th</sup> April 2008.
- CD8.3 Wycombe District Local Plan to 2011 (Adopted January 2004) (As Saved and Extended (2007): and replaced by the Adopted Core Strategy: July 2008)
- CD8.4 GOSE Letter regarding Saved Local Plan Policies, 26<sup>th</sup> September 2007
- CD8.5 Wycombe District Local Plan to 2011 – Inspector’s Report (2002)
- CD8.6 Wycombe Development Framework: Local Development Scheme (as submitted to Secretary of State) (July 2011) (and finalised August 2011)
- CD8.7 Wycombe District Council Annual Monitoring Report (December 2010)
- CD8.8 Wycombe District Council Annual Monitoring Report Technical Appendices (December 2010)
- CD8.9 The Risboroughs 2035: A Town Fit for a Prince – A Visionary Framework for the next Thirty Years (Wycombe District Council, David Lock Associates and Risborough Area Community Action, August 2006)
- CD8.10 The Risboroughs 2035: A Town Fit for a Prince – A Visionary Framework for the next Thirty Years – Executive Summary (Wycombe District Council, David Lock Associates and Risborough Area Community Action, August 2006)
- CD8.11 Wycombe Development Framework: ‘Living within our Limits: Reducing the Environment Footprint of New Development in the Wycombe District – A Supplementary Planning Document’ (July 2009)
- CD8.12 Developer Contributions – Draft Supplementary Planning Document, Update June 2011
- CD8.13 Wycombe Development Framework: ‘Developer Contributions: Draft Developers’ Guide’ (Update June 2011)
- CD8.14 Wycombe District Council Developer Contributions

CD8.15	Supplementary Planning Document (SPD) (October 2011) Wycombe District Council: 'Developer Contributions: A Guide for Prospective Developers – Developers' Guide (October 2011)
CD8.16	Final Sustainability Appraisal of the Wycombe Development Framework, Preferred Options Site Allocations DPD Detailed Appendices 1 – 4
CD8.17	Housing Strategy 2009 – 2014 (Wycombe District Council, May 2009)
CD8.18	2006 Housing Needs Assessment Update (Fordham Research and Wycombe District Council, November 2006)
CD8.19	2003 Housing Needs Survey Executive Summary (Fordham Research and Wycombe District Council, 2003)
CD8.20	Draft Delivery and Site Allocations Document for Town Centres and Managing Development – Development Plan Document – Draft for Consultation (Wycombe District Council, July 2011)
CD8.21	Delivering the Strategy for Wycombe: Delivery and Site Allocations Update Report – Development Plan Document (Wycombe District Council, June 2010)
CD8.22	Delivering the Strategy for Wycombe: Delivery and Site Allocations Update Consultation – Development Plan Document (Wycombe District Council, June 2009)
CD8.23	The Wycombe Development Framework Goes Site Specific: Preferred Options Site Allocations – Development Plan Document (Wycombe District Council, February 2007)
CD8.24	Position Statement on Housing and Land for Business (Wycombe District Council, July 2011)
CD8.25	Community Plan Version 2: The Sustainable Community Strategy for the Wycombe District (The Wycombe Partnership, 2005)
CD8.26	Sustainable Community Strategy for Wycombe District 2009 – 2026 (Wycombe District Council)
CD8.27	Wycombe District Sports Facility Strategy 2009 – 2014 (Wycombe District Council, 2009)
CD8.28	Community Facilities Strategy (Wycombe District Council, May 2009)
CD8.29	Community Facilities Strategy Update (Wycombe District Council, August 2011)
CD8.30	Wycombe Open Space Framework (Wycombe District Council, December 2010)
CD8.31	Sites for Gypsies, Travellers and Travelling Showpeople in Wycombe: Interim Policy Statement (IPS) (Wycombe District Council, March 2010)
CD8.32	Sites for Gypsies, Travellers and Travelling Showpeople in Wycombe: Interim Policy Statement – Briefing Note (Wycombe District Council, 25 March 2010)
CD8.33	Gypsy, Traveller and Travelling Showpeople Site Study (Baker Associates for Wycombe District Council, March 2010)
CD8.34	Wycombe District Council Final Strategic Housing Land Availability Assessment (SHLAA) Report (March 2009)
CD8.35	Minor Amendments to the Strategic Housing Land Availability Assessment 2009 (June 2010)



CD8.36	Wycombe Strategic Housing Land Availability Assessment (Update March 2010)
CD8.37	Buckinghamshire Strategic Housing Market Assessment – Executive Summary
CD8.38	Buckinghamshire Strategic Housing Market Assessment (Aylesbury Vale District Council, Chiltern District Council, Wycombe District Council, South Bucks District Council, Fordham Research, July 2008)
CD8.39	Wycombe District Annual Monitoring Report, December 2009
CD8.40	Wycombe District Annual Monitoring Report, December 2008
CD8.41	Wycombe District Annual Monitoring Report, December 2007
CD8.42	Wycombe District Annual Monitoring Report, December 2006
CD8.43	Summary information sheets: Information Sheet 5 – Update on Princes Risborough
CD8.44	Strategic Marketability Assessment of Employment Sites within Wycombe District, Lambert Smith Hampton (March 2010)
CD8.45	Equalities Impact Assessment (Wycombe District Council, June 2010)
CD8.46	Statement of Community Involvement, October 2006
CD8.47	Wycombe Economy Study Final Report, 2004
CD8.48	Market Assessment – Colliers CRE Final Report (August 2005)
CD8.49	DELETED
CD8.50	Wycombe Urban Capacity Study – Final Report, November 2005
CD8.51	Wycombe Urban Capacity Study – Final Report, November 2005 – Appendices
CD8.52	Open Space Study 2005 – Final Report (produced by Scott Wilson)
CD8.53	Wycombe District Viability Study, Savills Commercial Ltd.(February 2006)
CD8.54	Housing Intensification Supplementary Planning Document, 2011 Update, Public Consultation Draft June 2011
CD8.55	Town Centre Retail and Frontage Policies Background Paper, Wycombe District Council, July 2011
CD8.56	Ward Fact Files, 2003 Fact File 34 The Risboroughs Ward, Wycombe District Council
CD8.57	DELETED
CD8.58	Commuting Fact File, Fact File 44,Wycombe District Council (September 2005)
CD8.59	Wycombe Development Framework Submission Core Strategy DPD, April 2006, WDC
CD8.60	Representations by Boyer Planning on the Wycombe Development Framework Submission Core Strategy DPD – Statement on Behalf of the David Wilson Homes re Policies 2,8,10 and 15, June 2006, Boyer Planning
CD8.61	Socio-Economic Analysis for Princes Risborough, May 2006, GVA Grimley – submitted with the Boyer Planning representations on the Wycombe Development Framework Submission Core Strategy DPD
CD8.62	Boyer Planning submissions on behalf of David Wilson Estates to the Wycombe Development Framework Core Strategy

- CD8.63 Examination, November 2007 on Matter 1 Steering Development to the Most Sustainable Locations; Matter 3 Safeguarded Land; Matter 8 Princes Risborough Wycombe District Council Strategic Housing Land Availability Assessment (SHLAA) (2008)

## **CD9 Other Government/Regional Publications and Guidance**

- CD9.1 Letter sent by the Secretary of State for Communities and Local Government to Chief Planners, 6th July 2010  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1631904.pdf>
- CD9.2 Letter sent from Catriona Riddell, Director of Planning at the South East England Partnership Board to Howard Ewing, Deputy Regional Director at the Government Office for the South East re. interpretation of South East Plan Policy H4: Type and Size of New Housing, 30<sup>th</sup> September 2009
- CD9.3 Letter sent from Howard Ewing, Deputy Regional Director at the Government Office for the South East re. interpretation of South East Plan Policy H4: Type and Size of New Housing, 8<sup>th</sup> October 2009
- CD9.4 DELETED
- CD9.5 The Regional Economic Strategy 2006 – 2016, SEEDA (2006)
- CD9.6 Letter from GOSE – Advice on 5 Year Housing Land Supply Methodology - 18<sup>th</sup> March 2010
- CD9.7 Rent Charges Act 1977
- CD9.8 Letter from Secretary of State for Communities and Local Government re. Abolition of Regional Strategies – 27<sup>th</sup> May 2010

## **CD10 Transport**

- CD10.1 Buckinghamshire Local Transport Plan 3 (Buckinghamshire County Council, April 2011)
- CD10.2 Manual for Streets (DCLG and DfT, March 2007)
- CD10.3 Manual for Streets 2 – Wider Application of the Principles: a Companion Guide to Manual for Streets (Chartered Institution of Highways and Transportation, September 2010)
- ~~CD10.4 Design Manual for Roads and Bridges~~ DELETED
- CD10.5 Making Residential Travel Plans Work: Guidelines for new development, DfT
- CD10.6 Good Practice Guidelines: Delivering Travel Plans through the Planning Process, DCLG/DfT
- CD10.7 Guidance on Transport Assessment, DCLG/DfT (2007)
- CD10.8 IHT Guidelines for Planning for Public Transport in Developments (1999)
- CD10.9 Circular 2/07: Planning and the Strategic Road Network
- CD10.10 A New Deal for Transport: Better for Everyone (White Paper)
- CD10.11 Draft Wycombe Transport Strategy, Buckinghamshire County Council (June 2010)
- CD10.12 National Travel Survey 2010, Department for Transport (July 2011)
- CD10.13 Extract from Circular 01/2006 Appendix C: Setting Local Speed

CD10.14	Limits, Department for Transport Extract from Circular 01/2006 Appendix D: Setting Local Speed Limits for Single Carriageway Roads in Rural Areas, Department for Transport
CD10.15	Report to Cabinet Member for Transportation – Cabinet Member Report No. T02/06 – Countywide Speed Limit Review: Area Speed Limit Changes (10 <sup>th</sup> February 2006) <i>includes</i> Appendix A to report: Final Recommendations for Speed Limits: Drawing No. G/AS/03/5/FR (February 2006) at 1:60,000
CD10.16	Buckinghamshire County Council Traffic Calming Portfolio
CD10.17	Providing for Journeys on Foot, Chartered Institute for Highways and Transportation (CIHT) (2000)
CD10.18	2011/2012 Wycombe Developer Contributions Spending Programme: Princes Risborough - Transport
CD10.19	Buckinghamshire Local Transport Plan 3: Local Area Strategies (Buckinghamshire County Council, April 2011)
CD10.20	Buckinghamshire Local Transport Plan 3: Implementation Plan (Buckinghamshire County Council, April 2011)
CD10.21	Buckinghamshire Local Transport Plan 3: Consultation and Engagement Report (Buckinghamshire County Council, April 2011)

### **CD11 Household Projections and Housing Need Forecasts**

CD11.1	Population Estimates and Forecasts: Buckinghamshire – The Risboroughs (Bucks Strategic Partnership (BSP), October 2010)
CD11.2	Sub-National Population Projections (Office for National Statistics): <ul style="list-style-type: none"> <li>• 2003-based Subnational Population Projections Table 4 (Office for National Statistics)</li> <li>• 2003-based Subnational Population Projections Table 15 (Office for National Statistics)</li> <li>• 2004-based revised Subnational Population Projections Table 6 (Office for National Statistics)</li> <li>• 2004-based revised Subnational Population Projections Table 16 (Office for National Statistics)</li> <li>• 2006-based Subnational Population Projections Table 6 (Office for National Statistics)</li> <li>• 2008-based Subnational Population Projections Table 5 (Office for National Statistics)</li> </ul>
CD11.3	Mid-Year Population Estimates (Office for National Statistics): <ul style="list-style-type: none"> <li>• Table 10, Mid 2000 – Mid 2001 Population Estimates, Components of Population Change (Office for National Statistics)</li> <li>• Table 10, Mid 2001 – Mid 2002 Population Estimates, Components of Population Change (Office for National Statistics)</li> <li>• Table 10, Mid 2002 – Mid 2003 Population Estimates, Components of Population Change (Office for National Statistics)</li> <li>• Table 10, Mid 2003 – Mid 2004 Population Estimates, Components of Population Change (Office for National Statistics)</li> </ul>

- Table 10, Mid 2004 – Mid 2005 Population Estimates, Components of Population Change (Office for National Statistics)
  - Table 10, Mid 2005 – Mid 2006 Population Estimates, Components of Population Change (Office for National Statistics)
  - Table 10, Mid 2006 – Mid 2007 Population Estimates, Components of Population Change (Office for National Statistics)
  - Table 10, Mid 2007 – Mid 2008 Population Estimates, Components of Population Change (Office for National Statistics)
  - Table 10, Mid 2008 – Mid 2009 Population Estimates, Components of Population Change (Office for National Statistics)
  - Table 10, Mid 2009 – Mid 2010 Population Estimates, Components of Population Change (Office for National Statistics)
  - Mid-2009 Population Estimates for 2009 Wards in England and Wales by Quinary Age and Sex, and Working Age (Office for National Statistics)
- CD11.4 Household Projections (Department for Communities and Local Government):
- 2003-based Household Projections (Communities and Local Government)
  - 2004-based Revised Household Projections (Communities and Local Government)
  - 2006-based Household Estimates and Projections–Table 406 (Communities and Local Government)
  - 2008-based Household Estimates and Projections–Table 406 (Communities and Local Government)
  - 2008-based Household Estimates and Projections–South East Unrounded (Communities and Local Government)
- CD11.5 ONS Mid 2010 Census Area Statistics – Ward Population Estimates
- CD11.6 Written Answer of Baroness Hanham 25<sup>th</sup> October 2011 [HL12501]

## **CD12 Housing Land Availability**

- CD12.1 Building a Recovery: How Tackling the Housing Crisis can Rebuild Economies across the Country (The Home Builders Federation, December 2010)
- CD12.2 Housing Land Availability (Department of Environment, 1991, London HMSO)
- CD12.3 Agreed Housing Land Position Statement between the Appellant and Wycombe District Council, November 2011
- CD12.4 Agreed Housing Land Position Statement Update between the Appellant and Wycombe District Council, 24<sup>th</sup> November 2011

## **CD13 Socio-Economics**

- CD13.1 Buckinghamshire Local Investment Plan (Bucks Strategic

- CD13.2 Partnership, 2010)
- CD13.2 Wycombe District Council Retail and Town Centre Uses Study 2004 – Final Report (Nathaniel Lichfield and Partners, September 2004)
- CD13.3 Wycombe District Council Retail and Town Centre Uses Study Update 2009 and Appendix A thereof (Nathaniel Lichfield and Partners, April 2009)
- CD13.4 Health Check and Action Plan for Princes Risborough: 'Your town – your future, your community – your voice', South East Rural Towns Partnership (2004)
- CD13.5 Princes Risborough Action Plan, amt-I and Retail Revival Ltd. (January 2011)
- CD13.6 Market Town Benchmarking – Measuring the Performance of Town Centres – Princes Risborough Report, Action for Market Towns (November 2010)

#### **CD14 Affordable Housing**

- CD14.1 'New homes would not provide social housing' article published in the Bucks Herald, 13<sup>th</sup> September 2011
- CD14.2 Letter from Barton Willmore to Councillor Gary Hall dated 26th September 2011
- CD14.3 E-mail from Councillor Gary Hall to Barton Willmore at 18.08 on 4<sup>th</sup> October 2011
- CD14.4 Planning for Sustainable Communities: A New Agenda? (Commission for Rural Communities, 2007)
- CD14.5 Affordable Housing Keeps Villages Alive (National Housing Federation, July 2010)
- CD14.6 South Hams Development Management Document Inspector's Report, dated 4<sup>th</sup> August 2008
- CD14.7 Local Decisions: A Fairer Future for Social Housing Consultation, CLG, November 2010
- CD14.8 Affordable Housing Policy Statement 'Delivering Affordable Housing' , CLG, November 2006
- CD14.9 2011 - 2015 Affordable Homes Programme Framework, Homes and Communities Agency, February 2011
- CD14.10 Who are Low Cost Home Ownership Purchasers and what is the demand for LCHO?, CLG Analytical Services Directorate (2006)
- CD14.11 Housing Benefit: Size Criteria for People Renting in the Social Rented Sector, Equality Impact Assessment', Department for Work and Pensions, March 2011
- CD14.12 Design and Quality Standards, Homes and Communities Agency (April 2007)
- CD14.13 Bucks Home Choice Allocation Policy (January 2011)

#### **CD15 Hypnos Ltd., Station Road and Former Whiteleaf Furniture Site, Picts Lane, Princes Risborough: Committee Reports, Correspondence and Non-Statutory Development Brief**

- CD15.1 07/07019/OUT: Outline application for demolition of existing buildings and erection of between 150 and 180 residential dwellings including details of layout, access and scale – Hypnos Ltd & 85 & 91

- & Rear of 87 and 89 Station Road & 16 Picts Lane, Princes Risborough, Buckinghamshire HP27 9DN
- CD15.2 10/05237/OUT: Outline application (including details of access, scale and layout) for demolition of existing storage/industrial sheds, site clearance & construction of 80 new dwelling units with associated infrastructure - Former Whiteleaf Furniture Site, Picts Lane Princes Risborough, Buckinghamshire HP27 9DP
- CD15.3 10/05238/OUT: Outline application (with details of access, scale and layout) for demolition of existing industrial buildings, site clearance and construction of new mixed use development comprising 96 dwelling units and approximately 1900 m2 gross non-residential floorspace (B1, A1/2) and associated infrastructure – Former Hypnos Site, Station Road, Princes Risborough, Buckinghamshire HP27 9DN
- CD15.4 Picts Lane and the Station Area, Princes Risborough: A Non-Statutory Brief for Redevelopment (Adopted November 2007)
- CD15.5 Letter from Barton Willmore to Wycombe District Council dated 10<sup>th</sup> August 2010
- CD15.6 Letter from K & L Gates to Wycombe District Council dated 8<sup>th</sup> October 2010
- CD15.7 Letter from Wycombe District Council to K & L Gates dated 10<sup>th</sup> November 2010
- CD15.8 Letter from K & L Gates to Wycombe District Council dated 29<sup>th</sup> November 2010
- CD15.9 Letter from Wycombe District Council to K & L Gates dated 13<sup>th</sup> December 2010
- CD15.10 Letter from Barton Willmore to Richard White at WDC re. 10/05237/OUT Committee Item dated 12<sup>th</sup> October 2011
- CD15.11 Minutes of Planning Committee Meeting held 12<sup>th</sup> October 2011
- CD15.12 Committee Report for the 7<sup>th</sup> December 2011 10/05238/OUT: Outline application (with details of access, scale and layout) for demolition of existing industrial buildings, site clearance and construction of new mixed use development comprising 96 dwelling units and approximately 1900 m2 gross non-residential (B1, A1/2) and associated infrastructure – Former Hypnos Site, Station Road, Princes Risborough, Buckinghamshire HP27 9DN
- CD15.13 Addendum to CD15.12 dated 7 December 2011

## **CD16 Other Appeal Decisions/High Court Judgements**

- CD16.1 Secretary of State Decision Letter (8<sup>th</sup> August 2006): Land at Downton Road and Salter Road, Rotherhithe, reference APP/A5840/A/05/1184427
- CD16.2 Secretary of State Decision Letter (13<sup>th</sup> December 2006): Land at Franklands Drive, Addlestone, Surrey, reference APP/Q3630/A/05/1198326
- CD16.3 Appeal Decision: Land at Franklands Drive, Addlestone, Surrey, reference APP/Q3630/A/05/1198326 (Inspector's Report)
- CD16.4 Appeal Decision: Land at Octavia Road/Unwin Road, Worton Road Estate, Isleworth, reference APP/F5540/V/99/000097
- CD16.5 Secretary of State Decision Letter (4<sup>th</sup> April 2002): Land at Octavia Road/Unwin Road, Worton Road Estate, Isleworth,

- reference APP/F5540/V/99/000097
- CD16.6 Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Another, Neutral Citation Number: [2011] EWCA Civ 639, 27th May 2011
- CD16.7 Appeal Decision: Former West Herts College Leggatts Campus, Leggatts Way, Watford Appeal, reference: APP/Y1945/A/10/2123113, 21st July 2010
- CD16.8 Appeal Decision: Sandpits Lane, Calne, APP/Y3940/A/09/2108716, Inspector's report, 18th January 2010
- CD16.9 Appeal Decision: Land off Lydney Bypass and Highfield Road, East of Lydney - Inspector's Report of December 2007 (PINS Ref: APP/P1615/A/07/2042254)
- CD16.10 Appeal Decision: Land off Lydney Bypass and Highfield Road, East of Lydney - SoS minded to agree letter of February 2008 (PINS Ref: APP/P1615/A/07/2042254)
- CD16.11 Appeal Decision: Land off Lydney Bypass and Highfield Road, East of Lydney - SoS Decision Letter of July 2008 (PINS Ref: APP/P1615/A/07/2042254)
- CD16.12 Appeal Decision: Kings Cross Central Inquiry - Inspector's Report of May 2008 (PINS Refs: APP/v5570/A/07/2051902 and APP/X5210/A/07/2051898)
- CD16.13 Appeal Decision: Kings Cross Central Inquiry - SoS Decision Letter of July 2008 (PINS Refs: APP/v5570/A/07/2051902 and APP/X5210/A/07/2051898)
- CD16.14 High Court Judgment: Cala Homes (South) Limited and Secretary of State for Communities and Local Government and Winchester City Council Neutral Citation Number: [2010] EWHC 2866 (Admin), 10th November 2010  
<http://www.bailii.org/ew/cases/EWHC/Admin/2010/2866.rtf>
- CD16.15 Cala Homes (South) Ltd v SoS for Communities and Local Government (No.2) [2011] EWHC97 (Admin) 7<sup>th</sup> February 2011
- CD16.16 Appeal Decision: SoS Decision Letter dated 29<sup>th</sup> September 2011 and Inspector's Report dated 15<sup>th</sup> June 2011 - APP/R0660/A/10/2141564 Land off Abbey Road and Middlewich Road, Sandbach, Cheshire
- CD16.17 Appeal Decision: SoS Decision Letter dated 28<sup>th</sup> September 2011 – APP/LI765/A/10/2126522 Land at Barton Farm, Andover Road, Winchester, Hampshire SO22 6AX
- CD16.18 Appeal Decision: Land South of Kipling Road, Stratford-upon-Avon – APP/J370/A/10/2139071 – Inspector's Report dated 9<sup>th</sup> March 2011
- CD16.19 Appeal Decision: SoS Decision Letter dated 28<sup>th</sup> June 2010 and Inspector's Report dated 10<sup>th</sup> June 2010, APP/D0840/A/09/2115945 – Land at Binhamy Farm, Stratton Road, Bude EX23 9TG
- CD16.20 Appeal Decision: Land east of Winslow, Winslow, Buckinghamshire – APP/J0405/A/09/2115850 - Inspector's Report dated 20<sup>th</sup> April 2010
- CD16.21 Appeal Decision – SoS Decision Letter dated 20<sup>th</sup> May 2011 and Inspector's Report dated 30<sup>th</sup> June 2001: Land at Picket Piece (land to the north and south of Ox Drove and Walworth Drove),

- CD16.22 Andover, Hampshire – APP/X3025/A/10/2140962  
Appeal Decision – SoS Decision Letter dated 31<sup>st</sup> October 2011  
and Inspector's Report dated 22<sup>nd</sup> February 2011: Land at  
Treverybn Road, St. Austell, Cornwall PL25 5RX  
APP/D0840/A/10/2130022

### **CD17 Statements of Common Ground**

- CD17.1 Agreed Statement of Common Ground between the Appellant  
(Harbour Castle Ltd) and Wycombe District Council, October 2011  
CD17.2 Agreed Transport Statement of Common Ground between Mr. Tim  
Allen of Peter Brett Associates and Mr. Del Tester of  
Buckinghamshire County Council (September 2011)  
CD17.3 Supplementary Statement of Common Ground (December 2011)  
CD17.4 Further Transport Statement of Common Ground (December 2011)

### **CD18 Statements of Case**

- CD18.1 Statement of Case of the Appellant (Harbour Castle Ltd) October  
2011  
CD18.2 Statement of Case of the Local Planning Authority, Wycombe District  
Council, October 2011

### **CD19 Previous Park Mill Farm Appeal Decision: APP/K0425/A/06/2020104**

- CD19.1 Appeal Decision: Park Mill Farm, Princes Risborough HP27 9QB –  
Inspector's Report - reference APP/K0425/A/06/2020104

### **CD20 Draft Section 106 Agreement: Plans**

- CD20.1 SK01: Proposed Sports Pavilion  
CD20.2 SK40: Phasing Plan  
CD20.3 L13 Revision A: Landscape Phasing Plan

### **CD21 Proofs of Evidence**

- CD21.1 BWP 1: Mr. Lee Newlyn, Barton Willmore LLP  
CD21.2 ADAM 1: Professor Robert Adam, ADAM Urbanism  
CD21.3 PBA 1: Mr. Tim Allen, Peter Brett Associates  
CD21.4 TK 1: Mr. Steve Hinsley, Tetlow King  
CD21.5 RTP 1: Mr. Bill Brisbane, Roger Tym & Partners  
CD21.6 IL 1: Mr. Mark Hewett, Intelligent Land  
CD21.7 DKBWP 1: Dave King, c/o Barton Willmore LLP  
CD21.8 Mr. Ian Manktelow, Wycombe District Council  
CD21.9 Mr. Del Tester, Buckinghamshire County Council  
CD21.10 Mr Rob Blaikie, Wycombe District Council  
CD21.11 Mrs Lucy Bellinger, Wycombe District Council  
CD21.12 Mr Michael Walker, Buckinghamshire County Council  
CD21.13 Mr Stephen Chainani, Buckinghamshire County Council



## **CD 22 Appendices to Proofs of Evidence**

CD22.1	BWP 3: Appendices to the Proof of Evidence of Mr Newlyn
CD22.2	ADAM 3: Appendices to the Proof of Evidence of Professor Adam
CD22.3	PBA 3: Appendices to the Proof of Evidence of Mr Allen
CD22.4	TK 3: Appendices to the Proof of Evidence of Mr Hinsley
CD22.5	RTP 3: Appendices to the Proof of Evidence of Mr Brisbane
CD22.6	IL 3: Appendices to the Proof of Evidence of Mr Hewett
CD22.7	DKBWP 3: Appendices to the Proof of Evidence of Professor King
CD22.8	Appendices to the Proof of Evidence of Mr Manktelow
CD22.9	Appendices to the Proof of Evidence of Mr Tester

## **CD 24 Summary Proofs of Evidence**

CD24.1	BWP 2: Summary Proof of Evidence of Mr Newlyn
CD24.2	ADAM 2: Summary Proof of Evidence of Professor Adam
CD24.3	PBA 2: Summary Proof of Evidence of Mr Allen
CD24.4	TK 2: Summary Proof of Evidence of Mr Hinsley
CD24.5	RTP 2: Summary Proof of Evidence of Mr Brisbane
CD24.6	IL 2: Summary Proof of Evidence of Mr Hewett
CD24.7	DKBWP 2: Summary Proof of Evidence of Professor King
CD24.8	Summary Proof of Evidence of Ms Bellinger

## **CD 25 Rebuttal Proofs including Appendices**

CD25.1	BWP1a: Supplementary Proof of Evidence of Mr Newlyn
CD25.2	PBA 1a: Supplementary Proof of Evidence of Mr Allen
CD25.3	TK 1a: Supplementary Proof of Evidence of Mr Hinsley
CD25.4	RTP 1a: Supplementary Proof of Evidence of Mr Brisbane
CD25.5	IL 1a: Supplementary Proof of Evidence of Mr Hewett
CD25.6	DKBWP 1a: Supplementary Proof of Evidence of Professor King
CD25.7	Rebuttal Evidence of Del Tester (BCC)
CD25.8	Rebuttal Evidence of Ian Manktelow (WDC)
CD25.9	Rebuttal Evidence of Rob Blaikie (WDC)
CD25.10	Rebuttal Evidence of Stephen Chainani (BCC)
CD25.11	Rebuttal Evidence of Mike Walker (WDC)
CD25.12	Addendum to Mark Hewett Supplementary Proof of Evidence (CD25.5)
CD25.13	Supplementary Proof of Evidence of Ian Manktelow (WDC) re. Localism Bill 2010/11

## ANNEX C

### CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) In respect of matters that are not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved drawings 5425/SK27M Option 1, 5425/SK27M Option 2, 5425/SK28F, 5425/SK26F and 5425/SK29C save in respect of the indicated emergency access along Mill Lane.

- 5) The development hereby approved shall be limited to and accord with the following parameters: -

No more than 400 dwellings and no fewer than 380 dwellings; and

up to 896m<sup>2</sup> Class B1(a) (Business)

up to 224m<sup>2</sup> Class A1 (Shops) and/or Class A2 (Financial and Professional Services) and/or Class A3 (Restaurants and Cafes)

up to 13.5ha of public open space.

The maximum widths of buildings will not exceed those stipulated in the table below;

Building Type	Minimum width (m)	Maximum width (m)
Houses	4.5	13
Flats over garage	8.8	13.5
Apartment building	14	60

The maximum lengths of buildings will not exceed those stipulated in the table below;

Building Type	Minimum length (m)	Maximum length (m)
Houses	6	14
Flats over garage	6	7.5
Apartment building	6	18

- 6) The development hereby permitted shall be carried out in accordance with the approved phasing as illustrated on drawings RA/5425/SK40, SK39, SK38A and *Landscape Phasing Plan* BW/L13 Revision A. The reserved matters shall accord with the approved phasing unless otherwise first agreed in writing by the Local Planning Authority.
- 7) The non-residential elements shall be provided within phases 2 and 3, as illustrated on drawing RA/5425/SK40.

- 8) For each phase of development, as illustrated on drawing BW/20135/L13 Revision A *Landscape Phasing Plan*, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings on that phase or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- 9) If during construction of the development, or within a period of three years of its completion, any existing tree, shrub, hedge shown as being retained dies or becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting season by another healthy, tree, shrub or hedge as the case may be of a similar size and species, unless otherwise approved in writing by the Local Planning Authority. Thereafter any such replacement planting shall be maintained or further replaced as necessary for three years after replacement.
- 10) All of the dwellings hereby approved shall achieve a minimum Code Level 4 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.
- 11) The Class A1, A2, A3 and B1(a) development shall be constructed and maintained to a standard that would achieve a Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least Very Good (or any such similar scheme that supersedes this).
- 12) A suitably qualified and independent person or body shall provide a copy of the post completion certificate to the Local Planning Authority to show the BREEAM rating that the Class A1, A2, A3 and B1(a) development achieves within three months of the first occupation of the respective development concerned.
- 13) Prior to the commencement of development, schemes for generating at least 10% of the predicted energy requirement for the individual  
Residential,  
A1, A2 and A3,  
B1 (a)  
site components, from decentralised, renewable and/or low carbon sources (as defined in the glossary of *Planning Policy Statement 1: Planning and Climate Change* (December 2007) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for the relevant component shall be implemented before the component of the development is first occupied and shall remain operational for the lifetime of the component.
- 14) No development shall commence until a scheme of odour mitigation for the sewage treatment works, including the sludge removal process, along with modelling of the anticipated odour from these processes with the mitigation measures in place has been submitted to and approved in writing by the Local Planning Authority.

- 15) No development within the 1.5ou/m<sup>3</sup> 98<sup>th</sup> percentile of the hourly average isopleths as indicated by the approved odour modelling shall commence until the approved odour mitigation works to the Sewage Treatment Works have been completed and commissioned.
- 16) The development hereby permitted shall be carried out in accordance with the approved *Flood Risk Assessment* (FRA) by Peter Brett Associates, dated January 2010, document reference 1719 Rev 2 dated 15<sup>th</sup> September 2010.
- 17) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation of each phase of the development.

The scheme shall include:

- i) Details of how the scheme shall be maintained and managed after completion.
  - ii) An on site swale and basin open drainage system in accordance with the principles shown on the indicative drawing number 22951/014/03.
  - iii) Detailed drainage calculations for all events including allowance for climate change.
  - iv) Full details of the proposed drainage network, including any sustainable urban drainage techniques.
  - v) Confirmation that there will be no above ground flooding on site from the drainage system during a 1 in 30 year storm event and that any above ground flooding can be contained up to and including the 1 in 100 year storm event (including climate change) and can be safely managed on the site.
  - vi) Amendments to calculations detailed in Table 5.2 of Section 5.4.4 of the Flood Risk Assessment by Peter Brett Associates to show a more conservative value for the coefficient of runoff. This is currently stated as 0% which may be inappropriate given the soil type on site. Results of revised calculations should be considered when planning the size of the drainage basins.
  - vii) Surface water run off from large car parks, from roundabouts or major roads should pass through an oil interceptor.
- 18) If, during development, contamination not previously identified is found to be present at the site, no further development on any part of the site affected shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The strategy shall be carried out and completed as approved before development recommences.
  - 19) No development shall commence until a scheme for the provision and management of a buffer zone alongside the watercourses, the proposed pond/sustainable urban drainage system (SUDS) features and a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be

carried out in accordance with the approved scheme and retained as such thereafter.

The scheme shall include:

- i) Plans showing the extent and layout of the buffer zones.
  - ii) Details of the planting scheme using locally native species of UK genetic provenance.
  - iii) Details demonstrating how the buffer zones will be protected during development and managed/maintained over the longer term.
  - iv) Details of any footpaths, fencing, lighting etc.
  - v) Detail extent and type of new planting (which shall have a bias towards locally native species of UK genetic provenance along watercourses, green corridors and site boundaries in particular).
  - vi) Details of maintenance regimes.
  - vii) Details of any new habitat created on site.
  - viii) Details of treatment of site boundaries and/or buffers around water bodies.
  - ix) The location of all new water features/SUDS elements.
  - x) A varied outline to maximise the valuable edge habitat.
  - xi) Variation in bank slopes and water depths to maximise the area that can be colonised by marginal plants.
  - xii) Specific management of the pond/SUDS features to maximise their ecological value while fulfilling any required drainage function.
- 20) No development shall commence until details of all bridges over watercourses have been submitted to and approved in writing by the Local Planning Authority. The number of bridges shall be kept to a minimum and all bridges shall be clear spanning structures with the abutments set back from the watercourse on both banks to provide a bank width of 1m beneath the bridge, measured from the top of the bank in order to provide an unobstructed corridor to allow the movement of otters and other animals. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 21) No development shall commence until a scheme for the connection to the existing water supply and sewerage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and retained as such thereafter. No dwelling shall be occupied until the scheme has been completed as approved in respect of that dwelling.
- 22) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 23) The development shall take place only in accordance with the detailed archaeological scheme pursuant to Condition 22). The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

- 24) In the event that it becomes necessary to fell or undertake works on the white willow trees which are shown for retention, as illustrated on Aspect Ecology drawing 2101/EC03 a bat emergency/re-entry survey shall be undertaken prior to such works taking place. Prior to felling and/or tree works the findings and conclusions of the survey shall be submitted to and approved in writing by the Local Planning Authority and the measures implemented as approved.
- 25) No development shall commence until a detailed mitigation strategy in respect of grass snakes and badgers has been submitted to, and approved in writing by the Local Planning Authority. All works shall thereafter be carried out in accordance with the approved strategy.
- 26) If the development hereby approved is not commenced within two years of the date of the original ecological survey, no development shall commence until a further survey of the site has been carried out to update the information on the species/habitats and the impact of development. An amended report and mitigation/compensation/enhancement strategy as appropriate shall be submitted to and approved in writing by the Local Planning Authority. This is to be implemented in accordance with a timetable agreed by the Local Planning Authority.
- 27) No development shall commence until a scheme for ecological and habitat enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the principles set out in paragraphs 9.132 – 9.143 of the Environmental Statement. The development shall take place in accordance with the approved scheme.
- 28) No development shall commence until an Ecological Management Plan (as informed by the Environmental Statement and the Landscape and Biodiversity Management Strategy) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- (i) Description and evaluation of the features to be managed.
  - (ii) Ecological trends and constraints on site that may influence management.
  - (iii) Aims and objectives of management.
  - (iv) Appropriate management options for achieving aims and objectives.
  - (v) Prescriptions for management actions.
  - (vi) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually).
  - (vii) Personnel responsible for implementation of the plan.
  - (viii) Monitoring.
- Thereafter the development shall be carried out in accordance with the approved details.
- 29) No part of the development, other than the access works and off-site highway works, and Phase 1 (excluding phase 1 public open space), shall be commenced until:-
- a) A detailed site investigation has been carried out to establish:-
    - i) If the site is contaminated.
    - ii) To assess the degree and nature of the contamination present.

iii) To determine the potential for the pollution of the water environment by contaminants and;

iv) The implication for residential development of the site and the quality of residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and;

b) The results and conclusions of the detailed site investigations referred to in a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority and;

c) A scheme showing appropriate measures to prevent the pollution of the water environment, to ensure the integrity of the residential development hereby approved and to ensure an adequate quality of residential environment for future occupiers in the light of such results and approved conclusions has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall not be implemented otherwise than in accordance with the approved scheme referred to in c) above.

- 30) No development shall commence until predictive noise modelling of the internal distributor road has been submitted to and approved in writing by the Local Planning Authority.
- 31) No development shall commence until details of the residential glazing system and ventilation scheme have been submitted to and approved in writing by the Local Planning Authority. Sealed thermal glazing systems with passive trickle ventilation must be used on all residential facades that front onto internal roads and railway lines where the noise falls within category B of Planning Policy Guidance Note 24, *'Planning and Noise'*. The development shall be carried out only in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied.
- 32) No development in each phase shown on drawing RA/5425/SK40 shall commence until details of the adoptable estate roads and footways for each phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include full information on the means of dealing with the disposal of surface water from the roads and footways. No dwelling in each phase shall be occupied until the estate roads for that phase have been finished to wearing course level.
- 33) Prior to the commencement of development of phase 1 the estate road shall be laid out and constructed to wearing course level for a distance of 20 metres into the site and thereafter ramp down to base course level for the remainder of the access road in phase 1.
- 34) No development shall commence until details of the access and emergency access onto Longwick Road has been submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of development other than this scheme the access and emergency access onto Longwick Road shall be laid out and constructed to wearing course level for a distance of 20 metres into the site and thereafter ramp down to base course level for the remainder of the access road for Phase 1. No dwelling shall be occupied in phase 1 until the access and emergency access road has been finished to wearing course level.

- 35) No part of the development shall be first occupied until the off site highway works shown in principle in figure 6.2 of the Transport Assessment by Peter Brett Associates, dated September 2010 which includes improvements to the Longwick Road/Aylesbury Road/New Road roundabout, have been laid out and constructed in accordance with details to be first approved in writing by the Local Planning Authority.
- 36) No development shall commence until a scheme for parking, garaging and manoeuvring for each phase of development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before occupation of each phase of the development and areas so designated shall not be used for any other purpose.
- 37) No development shall commence until a scheme detailing the accommodation of all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period and precautions to prevent the deposit of mud and debris on the adjacent public highways has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.
- 38) Prior to first occupation of phase 1 the existing access point immediately to the south of the proposed new access to the development shall be closed in accordance with a scheme, based on Drawing 6.1 of the Transport Assessment, to be approved in writing by the Local Planning Authority.
- 39) No development, other than the access works referred to in Condition 34), shall commence until the footpath crossings at Mount Way and Church Path have been stopped-up and closed.
- (**Inspector's Note.** Alternatively, if permission is granted but the Secretary of State considers there to be no need to close either crossing, this Condition would not be required, also, there could be reference to only one of the crossings here if it is felt that only one needs to be closed).
- 40) Prior to the submission of the reserved matters application for Phase 2 or any phase other than Phase 1, a detailed design code for the further development shall have been submitted to and approved in writing by the Local Planning Authority. The detailed design code shall demonstrate how the objectives of the Design and Access Statement will be met, and shall take account of the drawings referred to in Condition 4) and the parameters in Condition 5). The development hereby permitted shall be carried out in accordance with the approved design code.



## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.