



## Report to Strategic Sites Committee

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<b>Application Number:</b>	16/01040/AOP
<b>Proposal:</b>	Outline application with means of access (in part) to be considered for up to 102,800 sq m employment (B1/B2/B8), up to 1,100 dwellings (C3), 60 residential extra care units (C2), mixed-use local centre of up to 4,000 sq m (A1/A2/A5/D1), up to 5,700 sq m hotel and Conference Centre (C1), up to 3,500 sq m Leisure facilities (A1/A3/A4), up to 16 ha for sports village and pitches, Athletes Accommodation (10 x 8 bed apartments), and up to 2 ha for a primary school (D1), with a strategic link road connecting with the ELR (N) and the A41 Aston Clinton Road, transport infrastructure, landscape, open space, flood mitigation and drainage
<b>Site Location:</b>	Aylesbury Woodland, College Road North, Aston Clinton, Buckinghamshire
<b>Applicant:</b>	Buckinghamshire Advantage
<b>Case Officer:</b>	Helen Fadipe
<b>Ward(s) affected:</b>	Aston Clinton and Bierton
<b>Parish-Town Council:</b>	Aston Clinton, Bierton, Broughton Hamlet, Kingsbrook and Weston Turville
<b>Date valid application received:</b>	29.03.2016
<b>Statutory determination date:</b>	19.07.2016

### Recommendation

The recommendation is that permission be deferred and delegated to the Director of Planning and Environment for **APPROVAL** subject to the satisfactory completion of a legal agreement to secure financial contributions towards provision of land for on site primary education facilities and financial contribution towards primary and secondary education facilities (including a deferral/reduction of the secondary level contribution and review mechanisms to secure an increase in education contributions subject to viability), on-site provision of land to be made available for use as a sports village facilities, athletes accommodation and hotel/conference, on-site provision of affordable housing, custom built/self build housing and extra care units, (including review mechanisms to secure an increase in affordable housing subject to viability), SUDS provision and maintenance, design codes, on-site provision of land for a health centre, provision and maintenance of on site public open space, recreation and play areas and

landscaping, on site and off-site biodiversity enhancement scheme, on-and off-site highways works/road infrastructure works, travel plans and sustainable transport measures (and/or financial contributions thereto) on-site provision of land for employment use, local centre and canal side leisure facilities, together with a phasing strategy, bonds and monitoring fees and subject to conditions broadly in accordance with the details set out in the report and as considered appropriate by Officers, or if these are not achieved for the application to be refused for reasons considered appropriate.

## **1.0 Summary & Recommendation/ Reason for Planning Committee Consideration**

- 1.1 This application was previously heard at the Strategic Development Management Committee of the former Aylesbury Vale District Council on 26 October 2017 when it was resolved that permission be deferred and delegated for APPROVAL subject to the completion of a legal agreement to secure financial contributions towards and/or onsite provision of education facilities, (including a deferral/reduction of the secondary level contribution), on-site provision of land to be made available for use as a sports village, on-site provision of affordable housing and custom built/self build housing, SUDS, (including review mechanisms to secure an increase in affordable housing subject to viability), design codes, on-site provision, provision and maintenance of public open space, recreation and play areas, off-site biodiversity enhancement scheme, on-and off-site highways works/road infrastructure works, travel plans and sustainable transport measures (and/or financial contributions thereto) and subject to conditions as considered appropriate by Officers, or if these are not achieved for the application to be refused.
- 1.2 Since the resolution, work has been progressed on the S106 legal agreement and was close to agreement last year. There have been a number of changes in terms of the policy framework and the adoption of an updated Aylesbury Transport Model in 2020 which contains updated origin and destination data.
- 1.3 A Regulation 22 letter served on the applicant in March 2020 advised that the model must now be used for assessing planning applications around Aylesbury and requested an update to the Environmental Statement (ES). Additional documents including ES Addendum have been submitted and the subject of further public consultation. Further representations have been received and in this context it is considered appropriate for the application to be returned to committee for determination and to provide an up to date position, including the up to date policy framework.
- 1.4 The application seeks outline permission (with all matters reserved) for a mixed-use sustainable urban extension including up to 1,100 dwellings, employment and other uses as set out in detail in the description below.
- 1.5 The proposal site is located to the south of the existing built-up area of Aylesbury Town beyond residential dwellings located on the A41 Aston Clinton Road and further along to the east, the A41 Aston Clinton by pass. The site forms part of an allocated site for development within the adopted VALP, namely D-AGT3, and accords in principle with policy D1, D-AGT3 of VALP, Policy H1 of the Aston Clinton Neighbourhood Plan(ACNP) and Policy H1 of the Weston Turville Neighbourhood Plan (WTNP).

- 1.5 The site has been the subject of detailed examination through the VALP process. It is acknowledged that there would be harm to the character of the landscape and visual impacts resulting in significant change of character and appearance. However these impacts would be mainly localised and would be mitigated to a degree by the proposed strategic landscaping and buffer around and within the site itself, including tree planting which seeks to minimise the harm and ensure the development is sensitive to the site context in accordance with VALP policy D-AGT3. The development would result in loss of BMV agricultural land which would be of moderate negative impact, and this was taken into account during the VALP process in allocating the site.
- 1.6 The proposal would deliver a very significant level of new homes and make a valuable and significant contribution to the Council's medium to long term housing land supply, and affordable housing with a proportion of self/custom build according to demand. It would deliver the enterprise zone, create significant economic benefits as a result of population growth and investment in construction and the local economy/businesses.
- 1.7 The development would meet policy D-AGT3 specific requirements relating to a landscape led approach, landscape buffer, open space requirements, drainage and flood mitigation, walking and cycle links, community infrastructure, biodiversity including a biodiversity net gain. The proposals comply with VALP policy and the NPPF relating to trees and hedgerows, parking and access, promoting sustainable transport relating to cycling, walking and public transport, public rights of way, meeting the challenge of climate change, and conserving and enhancing the natural environment, archaeology, well-designed places and design, healthy and safe communities, contamination, air quality, and residential amenities.
- 1.8 The proposal is acceptable on highway grounds, subject to a number of mitigation works to be secured as part of the S106 and conditions. The Highway Authority is satisfied that the development will not have a severe cumulative residual impact on the highway network and will not have an unacceptable impact on highway safety and as such, whilst it is recognised there would be some adverse impact from the development, with appropriate mitigation the harm would not only be addressed but create some betterment on a standalone and cumulative basis. The provision of the Eastern Link Road South (ELRS) at Woodlands, connecting that to the north of the canal (ELR N) through Kingsbrook and the SLR at Hampden Fields, is a fundamental part of the long-term vision to deliver a partial orbital route around Aylesbury with the ELR(S) through Woodlands supported in Policy T3 of VALP. In addition the development would make financial contributions towards the SEALR and deliver major strategic benefits to the town's highway network.
- 1.9 Special regard has been given to the desirability of preserving the setting of nearby listed buildings and the conclusion is that the proposal would preserve, not harm, the nearby listed buildings and structures. Having regard to this there is no reason for refusal on this ground.

- 1.10 The site lies in flood zone 1, 2 and 3 as existing and the proposal would create a new flood zone profile for the site and flood management measures to mitigate the impact of the development and would not increase flood risk elsewhere or to third parties. Whilst the EA were satisfied in 2017, they subsequently objected to the 2020 submission, and there has been considerable scrutiny of the modelling and information provided in the ES and FRA over the intervening period. These matters are now satisfied. The EA raise no objection to the approach set out in the FRA Addendum and points out that there is some betterment downstream of the site to the west and north of the canal. The EA have recommended conditions to secure the necessary mitigation, and the proposal passes the sequential and exceptions tests in accordance with VALP requirements.
- 1.11 This assessment identifies that various s106 planning obligations would need to be secured to make the scheme acceptable and mitigate its impact in accordance with relevant Development Plan policy and guidance as well as the NPPF if the council was minded to approve the application. These obligations are set out in section 5 below.
- 1.12 It is considered that the proposal accords with the up to date Development Plan and there are no material considerations to indicate a decision other than in accordance with the Development Plan.
- 1.13 Under Part D section 4.4 of the constitution, the Strategic Sites Committee have responsibility for wider strategic development; sites which have a significant impact beyond the specific local area; and sites fundamental to the implementation of an adopted or emerging Local Plan. By way of example, this will include but is not limited to: major infrastructure; large scale major development comprising housing (approx. 400 dwellings or more) or employment (approx. 10,000sqm or 2ha or more). The application is for up to 1,100 dwellings, together with 102,800 sq m employment (B1/B2/B8, and the site forms part of the strategic delivery of sites as an allocation in the adopted VALP under policy D-AGT3. It is therefore considered that this application would fall within the terms of reference to be considered by the Strategic Sites Committee as a strategic site which forms part of the overall strategy fundamental to the implementation of the adopted VALP. Under Part I section 2.5 of the constitution officers consider the exercise of delegated powers is not appropriate in this instance given the change in policy framework and other material considerations since it was previously considered in 2017 and that it would be appropriate for the application to be returned to committee for determination.
- 1.14 The application is proposed by Buckinghamshire Advantage (BA) (the applicant) and on behalf of Aylesbury Vale Advantage Legacy Board (AVALB). The membership of BA is comprised of Buckinghamshire Council.
- 1.15 Members of the Strategic Sites Committee are advised that whilst Buckinghamshire Council has an interest in Buckinghamshire Advantage (the applicant), the Council (BC) are the Local Planning Authority with responsibility for regulating the development of land. Members will be aware of the need to consider planning applications under the legislative framework, in coming to a decision on the

proposals, and to only determine the proposals on the basis of the relevant planning issues.

## **Recommendation**

1.16 That permission be deferred and delegated to the Director of Planning and Environment for **APPROVAL** subject to the satisfactory completion of a legal agreement to secure financial contributions towards provision of land for on site primary education facilities and financial contribution towards primary and secondary education facilities (including a deferral/reduction of the secondary level contribution and review mechanisms to secure an increase in education contributions subject to viability), on-site provision of land to be made available for use as a sports village facilities, athletes accommodation and hotel/conference, on-site provision of affordable housing, custom built/self build housing and extra care units, (including review mechanisms to secure an increase in affordable housing subject to viability), SUDS provision and maintenance, design codes, on-site provision of land for a health centre, provision and maintenance of on site public open space, recreation and play areas and landscaping, on site and off-site biodiversity enhancement scheme, on-and off-site highways works/road infrastructure works, travel plans and sustainable transport measures (and/or financial contributions thereto) on-site provision of land for employment use, local centre and canal side leisure facilities, together with a phasing strategy, bonds and monitoring fees and subject to conditions broadly in accordance with the details set out in the report and as considered appropriate by Officers, or if these are not achieved for the application to be refused for reasons considered appropriate .

## **2.0 Description of Proposed Development**

2.1 The application site comprises an area of approximately 200.2 hectares (494.7acres) of predominantly flat greenfield land within agricultural land sited to the east of Aylesbury. The site is bounded to the south by residential dwellings on the A41 Aston Clinton Road and further along to the east, the A41 Aston Clinton by pass. To the north, the site is bounded by the Grand Union Canal which runs in an east west direction. To the west of the site are field parcels beyond which is Broughton and Broughton Lane on the eastern urban fringe of Aylesbury. To the east, the site is bounded by College Road North and the commercial developments along this road, most notably the Arla processing dairy, and College Farm. Residential properties located near to the site are situated along the A41 Aston Clinton Road, Weston Mead Farm to the south west of the site and College Farm and The Red House to the east of the site off College Road North.

2.2 Outline Planning Permission has been granted on the land to the north of the Woodlands site for residential development to provide 2450 dwellings and 10ha of employment land within a scheme identified as 'Land East of Aylesbury (or The Kingsbrook development)' 10/02649/AOP, known as Kingsbrook. The proposals on this land comprise a residential-led strategic development to facilitate significant growth within the Aylesbury Vale area. This development is currently well advanced

in its construction. The northern section of the Eastern Link Road (ELR) between the A418 to the north and the ELR roundabout junction with Bellingham Way to the south opened to traffic in 2021. The remaining leg of the ELR North (ELR N) from the Bellingham Way roundabout to the bridge over the Grand Union Canal is expected to be completed at the same as the ELR South (ELR S) to ensure consistency in design and alignment.

- 1.1 The application site lies partially within the Arla/Woodlands Enterprise Zone (EZ) which was designated in November 2015. This land designation covers an expansive area of over half of the site from the Woodlands roundabout and along the A41 Aston Clinton bypass to the south up to College Road North to the east and up to the north eastern corner of the existing application site adjacent to the Grand Union Canal (GUC). The EZ also covers an area of land (outside of the development site) north of the dairy to the east of College Road North between the dairy and the GUC. The Arla/Woodlands EZ designation allocates 150,000 sqm of commercial floorspace and 5000 new jobs.
- 2.3 The tow path along the Grand Union Canal is a public right of way which runs in an east west direction. To the south of the site in a north south direction is a PROW extending from Aston Clinton Aylesbury Road and College Road South up to College Road North. Beyond the site to the north is a further PROW extending in an east west direction and to the west, extending from the A41 in a north south direction is a PROW across fields towards Broughton.
- 2.4 There are no Conservation Areas sited within the application site. The nearest Listed Buildings are located at Threshers Bern at Turners Meadow but separated by the A41 dual carriageway and on the A41 Aston Clinton Road to the south of the site at Burnham's Field, Weston Turville on the southern side of the A41. There are also listed canal structures (bridges) along the Grand Union Canal to the north of the site.
- 2.5 To the west of the site and to the south are scheduled ancient monuments.
- 2.6 The Chilterns Area of Outstanding Natural Beauty (AONB) is located approx. 2.5k from the south eastern boundary of the site, with the majority of the site containing extensive views of the AONB.
- 2.7 The site covers Flood Zones 1, 2 and 3. Flood Zones 2 and 3 as shown on the Environment Agency's flood map is located predominately to the west of the site and this area thus falls within the functional floodplain. A network of drains conveys surface water run off from the central area of the site to the north west to the Burcott Brook. The principal watercourse in the area is the Bear Brook which lies to the west of the site flowing into Aylesbury. The Burcott Brook also flows through the north-western part of the site and passes beneath the canal. The Drayton Mead Brook is located to the east and drains the area in the vicinity of the College Farm.
- 2.8 The site is gently sloping in nature from the south (88 m Above Ordnance Datum (AOD)) to north (82 m AOD). The land to the north-west of the site and the small parcel of land north of the GUC rise again at approximately 83 m AOD.

- 2.9 The site has a simple character of large, open fields bounded by hedgerows and ditches and drained by two watercourses: the Bear Brook and Burcott Brook. Mature trees, including black poplar are included along with a small area of plantation woodland.
- 2.10 Some utilities' infrastructure is already present on the site. There are a number of existing 11 kV overhead lines which run across the site as well as buried electrical cables within the A41 Woodlands roundabout. This roundabout also contains a medium pressure gas main; this is the only gas pipeline within the development site. In terms of water supply, a potable water trunk main runs through the south of the site and a number of foul water sewers. The only telecommunications services on the site are BT cables located at the A41 Woodlands roundabout.
- 2.11 The site consists of two subgrades (3a and 3b) of agricultural land and an area of woodland which is classified as 'non-agricultural'.
- 2.12 The application seeks outline planning permission with all matters reserved except for access (in part) for a mixed-use 'phased' development proposal on land to the east of Aylesbury to provide
- up to 102,800 sqm of employment land (B1 (25,600sqm), B2 (44,400 sqm) and B8 (32,800 sqm))
  - strategic link road connecting with the ELR (N) and the A41 Aston Clinton Road,
  - transport infrastructure, landscape, open space, flood mitigation and drainage
  - up to 1100 dwellings (Use Class C3)
  - 60 residential extra care units (Use Class C2);
  - Mixed use local centre of up to 4000 sqm (Use Classes A1, A2, A5 and D1)
  - up to 5000 sqm hotel and conference centre (Use Class C1)
  - up to 3500 sqm restaurant/bars/cafes (Use Classes A1, A3 and A4)
  - up to 16 ha for sports village and pitches,
  - athletes accommodation (10 x 8 apartments)
  - up to 2ha for 2 form entry primary school (D1)
  - 0.2ha play areas, 74.2 ha informal open spaces, 16.7 ha formal open spaces, 1.2ha allotments/community orchards, and; 5.5ha woodland area.
- 2.13 The only element of the planning application for which detailed planning permission is sought relates to the eastern site vehicular access (from College Road North). Full application drawings have been provided for this element of the scheme.
- 2.14 The application is accompanied by an illustrative masterplan which sets out the indicative layout of the development (amended Nov 2020). The plan indicates the proposed strategic link road would connect with the approved Eastern Link Road North (ELR(N)) within the Kingsbrook development to the north and the Woodlands roundabout to the south on the A41. The majority of development would be sited east of the link road with commercial employment land largely sited to the east and south east of the site along the A41 bypass and accessed from the link road and from College Road North.

- 2.15 The residential areas of the development would be to the north of the employment area between the Grand Union Canal and the employment area, with the primary school and local centre located within the centre of the site. The leisure uses comprising the hotel and athlete accommodation is proposed to the east of the link road adjacent to the main built development. To the west of the link road is proposed outdoor sports facilities including sports pitches, velodrome, multi use all weather pitches and bike tracks. Surrounding the link road and the built development are areas of open space for amenity and recreation purposes as well as retention of existing woodland areas and planting of new woodland belts to provide landscape mitigation and ecological enhancement.
- 2.16 The illustrative Masterplan parameter plan was revised to include modifications in response to consultations. As such, the amended parameters plan comprises changes to the A41 roundabout (now to be considered as a reserved matter), provision of off-site planting at College Farm (to act as a landscape buffer between land ownership boundaries), provision of additional interface landscape mitigation in the south east of the site and provision of a new 'indicative' access road serving the sports complex (to the west of the link road).
- 2.17 Phasing: The development will be constructed in a number of phases which will be progressed to ensure the phased delivery of infrastructure to support the development. The first phase of the development will see the works to enlarge the Woodlands Roundabout, construction of the ELR(S), construction of highway access at College Road North and up to 74% of employment land use supported by associated infrastructure works. The northern section of the ELR (ELR(N)) was substantially completed in 2021 and opened to traffic and therefore to ensure a complete ELR delivery at the earliest opportunity, the applicants will construct the ELR(S) as part of the first phase of development with an anticipated opening of a complete ELR by 2024 unless otherwise agreed in writing with the Council.
- 2.19 It is anticipated that flood alleviation, informal open space and associated landscape works would be provided in a phased manner and release subsequent phases of the development (residential, local centre, leisure and education land uses) which will then take place generally from west to east from the ELR(S) to College Road North. The applicant has submitted a revised phasing plan which identifies the envelope of Phase 1 and the Surface Water Drainage Channels (within the Phase 2 land) that are necessary to serve this part of the development. Furthermore, the applicant has submitted an ES Addendum which proposes that a 'Phase 1' development is completed and operational by 2024. For the purposes of the ES, Phase 1 will include:
- The Eastern Link Road (South);
  - Flood Mitigation works;
  - Highways link from ELR(S) to College Road North;
  - up to 3,070 sqm Use Class B1 (Business/Light Industry) floorspace;
  - up to 39,850 sqm Use Class B2 (General Industrial) floorspace;
  - up to 32,800 sqm Use Class B8 (Storage and Distribution) floorspace
  - B1/B2/B8 floorspace amounts to 74% of the total proposed employment floorspace;



- Enabling works (for area in Phase 1) identified for later sport and recreational facilities; and
- Associated Landscape works and open spaces (in the phase 1 land).

2.18 Construction of the remaining elements is anticipated to commence in 2025, with completion anticipated by 2034.

2.19 The original application is accompanied by:

Site Location Plan edp/2524/02 Rev J

Illustrative Masterplan edp2524/45 Rev W

Parameter one: Land Use and Amount - edp2524/52 Rev L

Parameter two: Access and Movement - edp2524/54 Rev K

Parameter three: Residential Density - edp2524/55 Rev H

Parameter four: Maximum Heights - edp2524/56 Rev J

Parameter five: Minimum Heights - edp2524/57 Rev H

Parameter six: Phasing Plan-edp2524/98 Rev E

Proposed College Road North/ARLA 32113/2015/001 Rev C

Indicative extents of Woodlands Roundabout Improvements - edp2524/d017

Planning Statement

Planning Statement Addendum November 2020

Design and Access Statement dated March 2016

Statement of Community Involvement dated March 2016

Retail Statement- Rev B

Utilities Infrastructure Report 1.0

Waste Management Strategy V1.1

Energy Statement-32113/3307 V1.2

Sustainability Statement-32113/3005 V1.2

Green Infrastructure Strategy Rev B

Transport Assessment – March 2016

A41 Junction Stage 1 Road Safety Audit

A41 Junction Stage 1 Road Safety Audit Designer's Response Report

Archaeological trial trenching Phase 1 16/201 Rev 3

Environmental Statement – Non Technical Summary Final 001

Environmental Statement Main Text (Volume 1) March 2016

Environmental Statement Figures (Volume 2) March 2016

Environmental Statement Technical Appendices (Volume 3) March 2016

Flood Risk Assessment (ES Appendix I)

Transport Assessment Addendum – April 2017 (ES Appendix D)  
Framework Travel Plan (ES Appendix D)

2.20 Following the planning committee in 2017 additional documentation submitted by the applicant includes:

February 2019

- Indicative extents of Woodlands Roundabout Improvements edp2524/d017

November 2020

- Illustrative Masterplan edp2524/45 Rev W
- Parameter one: Land Use and Amount edp2524/52 Rev N
- Flood Risk Assessment Addendum (Nov 2020)
- Environmental Statement Addendum (Nov 2020)
- Environmental Statement Non Technical Statement (Nov 2020)
- Transport Assessment Addendum Report – Regulation 22 Request - (Nov 2020)
- Illustrative Masterplan edp2524/45 Rev W)
- Parameter one: Land Use and Amount edp2524/52 Rev N
- Planning Statement Addendum (Nov 2020)
- Addendum to FRA Addendum (November 2020)

August / September 2021

- EIA letter of conformity – August 2021
- Flood Risk Assessment Addendum Rev C & Rev D
- Cover Letter - Flood Risk Assessment Addendum September 2021

November 2021

- Flood Risk Assessment Addendum Rev E
- FRAA Cover Letter – November 2021

January 2022

- FRA – additional sensitivity analysis letter
- Baseline Model
- Post development with Drayton Mead Ditch mitigation Model
- Slimline and post development models

2.21 The update work done for the 2020 ES addendum has resulted in minor revisions to the following drawings:

- The Land Use and Amount parameter plan, reference edp2524\_d052n, and the Illustrative Masterplan, reference edp2524\_d045w, both of which show a reduction in the size of the attenuation pond in the north-east part of the site;
- the Indicative Ecological Masterplan (Appendix G1 of the 2020 ES Addendum) has also been updated to reflect the changes to biodiversity net gain since the April 2017 submission, and demonstrates the habitat

types to be implemented on site in order to reach 15% biodiversity net gain; and

- amendments to the previous ELR(south) flood risk mitigation measures, along with further flood risk mitigation measures have been made in the form of small-scale landscaping features and ground lowering. These amendments are shown on Figure 5.5 in the Flood Risk Assessment addendum which forms part of the 2020 ES Addendum.

2.22 In addition, a Flood Risk Sequential and Exception Test has also been prepared in response to the changes arising from the 2017 Environment Agency's flood risk mapping.

### **3.0 Relevant Planning History**

3.1 15/03127/SO - A Scoping Opinion was given for proposed development for employment, residential (C3), education establishment (C2), leisure and retail mixed use development on land to the east of Aylesbury, including up to 150,000sq m of mixed employment (B1, B2 \_ B8), up to 1,100 dwelling, 5 ha of community leisure and sports, 20,000 sq m of supporting leisure and retail (use classes A1 - A5, C1, D1 \_ D2) with detailed access, reserved link road alignment and the provision of associated transport infrastructure, landscape, open space and drainage.

*Other relevant schemes nearby:*

3.2 The surrounding area has been subject to a number of recent planning applications for residential development.

3.3 Hampden Fields, Aylesbury – 12/00605/AOP: Outline application (with all matters reserved) for a mixed use sustainable urban extension comprising: up to 3,000 dwellings and a 60 bed extra care or care home facility (use class C2/C3); provision of land for a park and ride site, and a Waste Recycling Facility adjoining the A41 Aston Clinton Road; a total of 9.45ha of employment land (comprising of up to 40,000 sq.m. B1/B2/B8/sui generis uses); link road between A413 Wendover Road and A41 Aston Clinton Road; provision of two primary schools (both 3 form entry); a mixed use local centre (4.09ha) comprising of a 1,200 square metres (GFA) food store, further retail (including a pharmacy), restaurants and cafe units, a doctor's surgery, gym, public house with letting rooms, professional services, multi - functional community space and day nursery; multi- functional green infrastructure (totalling 103.1ha) including parkland, sport pitches, sport pavilion, children's play areas, informal open space, allotments, community orchards, woodlands, landscaping and surface water attenuation, strategic flood defences to protect the town centre, vehicular access points from New Road Marroway , A413 Wendover Road and A41 Aston Clinton Road; and internal road, streets, lanes, squares footpaths and cycleways. This was the subject of a non determination appeal which was refused by the Secretary of State (SoS) subsequent to a Public Inquiry held between June 2013 and December 2013.

3.4 Hampden Fields - 16/00424/AOP - Outline planning application (with all matters reserved) for a mixed-use sustainable urban extension comprising: up to 3,000 dwellings and a 60 bed care home/extra care facility (Use Class C2/C3); provision of land for a Park and Ride site; a total of 6.90ha of employment land (comprising of up

to 29,200 sq.m. B1c/B1/B2/B8 uses); provision of two primary schools (one 2 form entry and one 3 form entry); a mixed use local centre (3.75ha) with provision for a food store of up to 1,200 square metres (GFA), further retail (including a pharmacy), restaurant and café units, a doctor's surgery, gym, public house with letting rooms, professional services, multi-functional community space and a day nursery, and live work units; multi-functional green infrastructure (totalling 108.43ha) including parkland, sports pitches, sports pavilions, children's play areas, mixed use games areas, including a skate park/BMX facility, informal open space, allotments, community orchards, landscaping; extensions to domestic gardens at Tamarisk Way (0.22ha); strategic flood defences and surface water attenuation; vehicular access points from New Road, Marroway, A413 Wendover Road and A41 Aston Clinton Road; a dualled Southern Link Road between A413 Wendover Road and A41 Aston Clinton Road and a strategic link road between the Southern Link Road and Marroway; internal roads, streets, lanes, squares, footpaths and cycleways and upgrades to Public Rights Of Ways (PROWs); and car parking related to the above land uses, buildings and facilities.

- 3.5 This was considered by Strategic Sites Committee on 24 February 2021 and following the satisfactory completion of a legal agreement permission was granted on 24 June 2021. An application for judicial review of this decision was submitted and a court hearing held on 23-24 February 2022. The judgement was handed down on 11 March 2022 and the claim for judicial review was dismissed on all grounds. A copy of the judgement is appended to the report (see Appendix K).
- 3.6 Kingsbrook, land east of Aylesbury - 10/02649/AOP - New urban extension comprising 2450 homes, 10ha employment land, neighbourhood centre, two primary schools, construction of eastern link road (part) and the Stocklake link road (rural section), green infrastructure, associated community facilities and support infrastructure including expanded electricity sub station and flood defences. Planning permission was granted December 2013, and subsequent reserved matters applications have been submitted and construction on the development has commenced and is well advanced.
- 3.7 Land To The South Of Aston Clinton Road, Weston Turville  
16/03388/AOP: Outline application with access to be considered and all other matters reserved for the erection of 120 dwellings. *Pending consideration*  
18/02495/APP: Erection of 121 dwellings with access and associated infrastructure : granted 17.02. 2021.
- 3.8 Land East of New Road, Weston Turville  
14/02072/AOP: Outline planning application with all matters reserved for the erection of up to 64 dwellings, public open space, attenuation basin and associated infrastructure – Approved 13.09.2016 17/00533/ADP - Application for reserved matters pursuant to outline permission Details Approved 06.09.2017  
18/00388/ADP - Application for reserved matters pursuant to outline permission. Details Approved 20.11.2019

- 3.9 Land North of Aston Clinton Road (Former Aston Clinton Road MDA Site).  
15/03806/AOP: Outline application with principal means of access to be considered and all other matters reserved for the construction of up to 400 dwellings (C3 use class), Hotel, Pub and/or Restaurant (C1/A3 use class), extra care housing (C2/C3 use class) (80bed), 5,000 square metres of employment floorspace (B1 use class), a local centre (A1/A2/A3 use class). Public open space, play areas, water meadow and associated infrastructure including roads. Approved 11.10.2017. There have been various subsequent reserved matters 18/01277/ADP , 19/00510/ADP, and 19/02985/ADP.  
20/03629/AOP: Variation of condition 3 attached to planning permission 15/03806/AOP to substitute the approved plans with revised plans listed in attached covering letter. Awaiting decision.
- 3.10 Land Adjacent to Aston Clinton Road, New Road, Weston Turville  
13/01488/AOP: Outline application with all matters reserved. Site for 135 dwellings with associated public open space, new vehicular, pedestrian & cycle accesses, landscaping and drainage works. Approved 27.10.2015.  
16/01254/ADP for the Approval of reserved matters pursuant to outline permission. 13/01488/AOP relating to access, appearance, layout, scale and landscaping for the erection of 135 dwellings with associated public open space, new vehicular, pedestrian & cycle accesses, landscaping and drainage works – Approved 06.09.2016.
- 3.11 Westonmead Farm Aston Clinton Road Weston Turville  
17/04819/AOP - Outline application with all matters reserved except for principal means of vehicular access, for up to 157 dwellings, public open space, play area, vehicular access off Aston Clinton Road and associated infrastructure.- Approved
- 3.12 Land Between The A413 Wendover Road And The B4443 Lower Road In The Parishes Of Stoke Mandeville, Weston Turville And Aylesbury.  
CC/0015/20- New dual carriageway link road including: roundabout junction B4443 Lower Road, roundabout junction at A413 Wendover Road, railway bridge, footway/cycleways, noise attenuation barrier, street lighting, earthworks and landscaping between B4443 Lower Road and A413. This was considered by Strategic Sites Committee on 11 February 2021 and deferred and delegated to the Director of Planning and Environment to determine following the satisfactory completion of a memorandum of understanding and conditions as appropriate. Permission was granted on 12 July 2021. (Also known as SEALR).
- 3.13 The current application before members has been screened and scoped under the Environmental Impact Regulations. As stated above an Environmental Statement has been submitted with the application.

#### **4.0 Representations**

- 4.1 Aston Clinton Parish Council does not object, Weston Turville Parish Council and Bierton Parish Council. Broughton Hamlet Parish Council and Buckland Parish Council objects, Aylesbury Town Council and Kingsbrook Parish Council have concerns (see Appendix G) and A total of 191 number of responses (email, letter or named in petition) have been received. Of these responses 156 raised objections, 10 are in

support. Whilst these objections and the objections from representative groups are set out in Appendix H (General Representation) the key concerns are:

- Coalescence of Aylesbury and surrounding villages
- Character and identity in villages surrounding Aylesbury.
- Loss of open countryside
- Loss of High Grade Agricultural Farmland
- Impact on wildlife diversity.
- Quality of homes
- Affordable housing
- Transport & Highways Safety concerns
- Environmental issues & Residential issues – Noise pollution, Air quality and vibration
- Quality of homes
- Impact on existing services / infrastructure
- Lack of services/ facilities.
- Flooding
- Sustainability
- Prematurity
- Volume of community objections
- Bring forward the delivery of key transport infrastructure to the east of Aylesbury
- Early delivery of the ELR to A41 link road is built before the houses to reduce the volume of traffic on Broughton Lane
- Closure of Richmond Road, access to Tring Road and Bedgrove

## 5.0 Policy Considerations and Evaluation

### **Development Plan:**

Vale of Aylesbury Vale Local Plan (VALP) adopted 15 September 2021.

Aston Clinton Neighbourhood Plan made on 8<sup>th</sup> August 2018 (ACNP)

Weston Turville Neighbourhood Plan made on 8<sup>th</sup> August 2018 (WTNP)

### **Other material considerations:**

The National Planning Policy Framework (2021)

National Planning Policy Guidance

Aylesbury Transport Strategy (January 2017)

Aylesbury Garden Town Masterplan (July 2020)

Local Industrial Strategy 2019

Open space - good practice guide for the provision of public open space

Emerging Neighbourhood Plan:

- 5.1 A Neighbourhood Plan (Bierton, Broughton and Kingsbrook NP) has been prepared and submitted to the Council for Regulation 16 consultation stage (known as the local authority public consultation stage (Reg 16) stage) which will start on 31 March 2022 and will run for 6 weeks. The Bierton, Broughton and Kingsbrook NP (BBKNP) does not form part of the development plan and is a material consideration which will be considered in this report.

- 5.2 In this instance the NP is still an emerging plan which is awaiting publicity before proceeding to examination and subsequent referendum. In view of the early stage of the NP and Regulation 16 publicity has only just commenced the policies can only be given very limited weight.
- 5.3 That part of the site which lies within this neighbourhood area is shown as a narrow corridor to the north to accommodate the ELR up to and across the grand union canal and narrow strip of open space, outside proposed designated development boundaries.

### **Principle and Location of Development**

VALP: S1 (Sustainable development for Aylesbury Vale); S2 (Spatial strategy for growth), S3 (Settlement hierarchy and cohesive development), D1 Delivering Aylesbury Garden Town , D- AGT3 (Aylesbury North of A41) , BE2(Design of new development)

ACNP: H1(Settlement boundary)

WTNP: H1(Weston Turville Settlement Boundaries).

Emerging BBKNP: HO2 (Development outside the Development Boundaries)

- 5.4 The site lies partly within the parish of Aston Clinton, partly within Weston Turville parish both of which have made neighbourhood plans, and partly within Berton and Kingsbrook parishes and Broughton Hamlet.
- 5.5 The site is allocated for development in policy D-AGT3,in VALP which comprises Woodlands (200ha) (this application site) , Manor Farm (29.1ha), Westonmead Farm 11.5ha, College Farm 12.9ha. AGT3 anticipates delivery of the following key development and land use requirements:
- Around 102,800 sqm of employment land (appropriate class E (25,600sqm), B2 (44,400 sqm) and B8 (32,800 sqm))
  - At least 1747 dwellings up to 2033 (including custom and self build units)
  - 60 residential extra care units (Use Class C2)
  - Mixed use local centre of around 4,000 sqm (appropriate classes E, F.1, F.2 & Sui Generis)
  - Strategic link road connecting with the ELR (N) and the A41 Aston Clinton
  - Road
  - Strategic flood defences
  - Around 6,000 sqm hotel and conference centre (Use Class C1)
  - A local centre
  - Around 16ha for sports village and pitches
  - Athletes' accommodation
  - Around 2ha for a two-form entry primary school (F1)
  - Open space totalling 0.2ha play areas, 74.2ha informal open spaces, 16.7ha formal open spaces, 1.2ha allotments/community orchards, and 5.5ha woodland area
  - Landscape buffers and ecological mitigation
  - Flood mitigation and drainage including sustainable drainage systems (SuDS)
  - Cycling and walking links

- 5.6 The neighbourhood plans pre- date VALP adoption, however the policies are supportive of the strategic policies in VALP, recognising growth at Aylesbury in policies H1 of the ACNP and H1 of the WTNP. In this instance, the proposed development would be outside of the ACNP settlement boundary and three settlement boundaries designated in the WTNP, but it does lie within an allocated site, identified in VALP policy D1 and the site specific policy D-AGT 3: Aylesbury north of A41, and part falls within the Woodlands EZ . The proposal would in principle accord with adopted VALP D1 and D-AGT3 and is not in conflict with policy H1 of the ACNP or policy H1 WTNP. The emerging BBKNP seeks to restrict housing development outside proposed development boundaries and is at a very early stage, however VALP allocates this site as a strategic growth area and the proposal accords with VALP D1 and D-AGT3.
- 5.7 The NPPF promotes sustainable development and encourages sustainable economic development. The site is envisaged to form an urban extension to Aylesbury connected to the town via the proposed ELR and A41/Aston Clinton Road. The western boundary of the site is between 600m and 1km from the existing urban edge of the town. The urban edge of the town is expanding further east due to the development currently under construction at the Aston Clinton Road MDA site (approx. 500m away to the west) and from other recent developments along Aston Clinton Road. The Arla development to the east provides a further urban context for the site and this also provides part of the Enterprise Zone which designation includes a large part of the application site. Aylesbury is a strategic settlement in the Aylesbury Vale area to which growth is directed and the A41 provides a direct route into London, Hemel Hempstead, Watford and Berkhamstead. Due to the A41 bypass located to the south of the site, and overall scale of the proposed development which encompasses 200ha of land, the site is considered to be more associated with Aylesbury town, , which is typical of a sizeable urban extension to the town.
- 5.8 In respect of the location of the site and transport sustainability, the site is located on one of the strategic highway networks serving the Aylesbury Vale area and there is access to nearby bus stops with bus routes serving Aylesbury, Wendover, Tring, Ivinghoe, Cheddington, Winslow and Buckingham. The train station is approximately 3.4km to the west of the site. Several other developments have been supported in the locality and it is considered that this site is also sustainably located having regard to these. Furthermore, the site is recognised in the VALP, ACNP, and WTNP as being a sustainable location for development.
- 5.9 A significant part of the application site falls within the Aylesbury Woodlands/Arla Enterprise Zone, which was designated by Central Government in 2015. The designation of the Enterprise Zone based around the existing Arla complex seeks to take advantage of existing infrastructure and was supported by government for the growth of a sustainable employment location, being strategically placed adjacent to the A41 dual carriageway leading directly to the M25. The Arla/Woodlands EZ designation allocates 150,000 sqm of commercial floorspace to facilitate 5000 new jobs.



- 5.10 Aylesbury was given "Garden Town" status in January 2017 as the focus of the majority of the growth for the Vale. This recognised that the town is going to be one of the key areas for growth in the UK with just over 16,000 new homes planned. The vision for Aylesbury Garden Town (AGT) is premised on building on the existing strengths of Aylesbury and the opportunities for future transformation as a Garden Town. The long term vision for Aylesbury is set out in VALP and the Aylesbury Garden Town vision 2050. The vision for Aylesbury Garden Town (AGT) is set around eight principles which builds on Aylesbury's heritage, strength and future opportunities as a Garden Town which includes putting the town centre first; creating an innovation and investment hub, creating the highest quality of life for all, a green and healthy garden town; Aylesbury on the move; distinctive garden communities; a smart and sustainable garden town and integrated delivery.
- 5.11 The site is located approx. 3-4km from Aylesbury Town Centre which is accessible by car, foot, public transport and cycle along the A41. Bus stops are situated along the A41 Aston Clinton Road with a number of bus services currently operating along this route on both sides of the A41. Buses from these stops run west into Aylesbury and north/east to Dunstable, Leighton Buzzard, Hemel Hempstead and Watford. There are existing footpaths in and around the site which provides access into town as well as along the A41. The public footpath network also provides access into Aston Clinton to the south.
- 5.12 Aylesbury Railway and Stoke Mandeville Station are approximately 3-4km distance from the application site and are accessible by public transport, foot, cycle and car. The stations have sufficient parking spaces and there is also sheltered parking for cycles. The stations are located on the Chiltern Line, providing connections to Birmingham to the north, and direct trains to High Wycombe and London Marylebone to the south as well as access to Oxford.
- 5.13 Local services and facilities within Aylesbury are within 5km of the site, a distance where cycling and public transport can be considered a meaningful alternative to the private car. Locally, the approval of the Kingsbrook development (and potentially, the Woodlands development) will provide enhanced connectivity with the provision of ELR and Stocklake Link road. These two routes form part of a wider strategy for Aylesbury which comprise orbital routes. The strategic vision is that by redirecting traffic along these new routes, around the town, it would help improve traffic conditions on the radial routes into Aylesbury. The A41 provides access to London, Hemel Hempstead, Tring, Berkhamstead, Watford and the M25 to the south as well as to the north connecting Aylesbury with Bicester and the M40 to the west providing access to the north.
- 5.14 Furthermore, there is good access to employment in Aylesbury, particularly with the Arla Super Dairy in proximity and the surrounding service centres locally. The sustainable location was a major factor in the Enterprise Zone status being awarded the Arla/Woodlands EZ.
- 5.15 In summary, the site is allocated for development in VALP as a sustainable location for economic and housing growth which is capable of accommodating a level and

form of development, appropriate to Aylesbury Town's status as a Garden Town, and would result in a comprehensively and holistically planned urban extension, which would integrate with the town over time. The proposals would provide major opportunities and enhancements to support sustainable growth at a strategic level, given the quantum of employment and housing proposed and major strategic benefits to the town highway network. It is therefore considered that the site would constitute sustainable development, in locational terms, in accordance with the adopted VALP, made ACNP and WTNP policies, the Aylesbury Garden Town Masterplan and NPPF.

### **Employment issues**

VALP: S1(Sustainable Development for Aylesbury Vale), D1(Delivery Aylesbury Garden Town), D-AGT3(Aylesbury north of A41), D6(Provision of employment land) E5(Development Outside Town Centres)

ACNP: B3(New Employment Opportunities)

Local Industrial Strategy 2019.

- 5.16 VALP Policy D-AGT3 allocates provision of 102,800sqm of employment land and other employment related uses including a mixed use local centre on this site. Policy D6 recognises that continuing provision of land and premises suitable for employment uses is needed, of a type and scale appropriate to the characteristics of the local area. The provision should provide sufficient opportunities for employment needs to be met locally and reduce the need to travel to work and promote economic growth and social inclusion. Employment land allocation identified in Policy D6 of VALP includes Woodlands, College Road (part of Arla/Woodlands/Enterprise Zone) (102,800 sqm) (see policy D-AGT3).
- 5.17 Policy B3 of the ACNP gives support to new employment opportunities and proposals that lead to additional employment, including economic development which forms part of the Woodlands Enterprise Zone (WEZ) and will be permitted within the WEZ boundary.
- 5.18 The NPPF paragraph 81 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.19 In addition, the Bucks Local Industrial Strategy has identified Woodlands as a key employment site for the area. Economic Development officers advise that information from local commercial agents confirmed that demand for industrial use had remained strong and delivery of this scheme would provide new commercial space into the market increasing economic growth and boosting local investment and providing up to 4396 jobs in and around Aylesbury which represents significant local and regional benefits to the economy and its recovery. The fact that the site has been identified in so many key documents shows that delivery of this site is of key strategic importance for the area.

- 5.20 Bucks LEP published its Local Industrial Strategy in 2019 to increase economic growth and productivity in the county. The LIS identifies the four key economic strengths of the county which include digital health and medtech underpinned by work at Stoke Mandeville Hospital near Woodlands site and the LIS identified real opportunities to bring together the application of new health care technology with housing growth and in which Woodlands employment site could play a key role helping form a cluster around Stoke Mandeville. There are also opportunities for development of the 'Living Lab' work around Aylesbury and Stoke Mandeville through a public and private sector collaboration and to be able to test new technology. The AGT masterplan recognises this as a major opportunity benefiting from its connectivity to complimentary locations linked by the A41.
- 5.21 The proposals will bring forward 35ha of employment land which would create an estimated 4,564 gross direct jobs on the site (all jobs including construction). The principal land use driver of the scheme is the delivery of a substantial amount of employment land that provides up to 102,800 sqm of B1, B2 and B8 floorspace within the designated Arla/Woodlands Enterprise Zone largely concentrated to the south of the site accessed off the A41 via College Road North and the proposed ELR(S). Up to 25,600 sqm will be B1 Business, 44,400 sqm will be B2 General Industrial and 32,800 sqm will be B8 Storage and Distribution.
- 5.22 In recognition of the importance of sustainable development the application proposes a sustainable mix of uses on site and job creation. In addition to the B class uses the proposed development will also provide employment opportunities through the provision of the local neighbourhood centre and school as well as the leisure uses providing significant employment opportunities through their construction and once built, will in itself be a significant employment source creating an estimated 560 new jobs. The submission identifies that this site is deliverable and will provide a range of local employment opportunities for people with differing skills and work experience. The ES also sets out that in economic terms the development will create in the region of direct and indirect 210 construction jobs on site with 79 of these as net additional jobs to the district.
- 5.23 The delivery of this level of employment land is intended to support delivery of high levels of employment and housing growth to significantly improve the employment attractiveness of the town and to renew and reposition Aylesbury's employment provision. It would provide a significant employment offer in a locationally favourable site with links to the strategic network to promote the employment opportunities for Aylesbury. The provision of the ELR (part of which is proposed in this application) and Stocklake Link would help facilitate this growth, in the wider strategic context. The applicants have provided supporting information to demonstrate the ability to deliver this as key strategic infrastructure to support economic growth and additional certainty over the delivery of the development.
- 5.24 In building a strong and competitive economy, the site complies with the Government's commitment to securing economic growth in order to create jobs and prosperity. As identified in paragraph 81 of the NPPF significant weight should be placed on the need to support economic growth and productivity taking into account

both local businesses and wider opportunities for development through the planning system. The site is well connected to the strategic highways network with the A41 immediately to the south and is located in a gap adjacent to an established employment use (Arla Dairy) and to the south of a significant housing development at Kingsbrook. The built elements of the development comprising the residential and employment uses are set back into the central part of the site surrounded in landscaped parkland, woodland, the Grand Union Canal (GUC) and the sports village and informal open spaces which would enable the development to fit into its more rural edge of town setting, typical of an urban extension which incorporates Garden Town design principles. It is considered that the form and uses of development is considered appropriate for the locality.

- 5.25 The employment use is located within a mixed and balanced development, in an area of economic and residential growth, contributing to a sustainable development. The proposal complies with the guidance of the NPPF in helping to achieve economic growth, met through the development needs of business, supporting an economy fit for the 21st Century. Consideration was made during the development of the proposal to consider the range of employment uses required in the local area, to support local economic growth and jobs.
- 5.26 The phased strategy submitted with the application indicates that 74% of the employment land will come forward in Phase 1 of the development (by 2024) with the remainder to be built in Phase 2. The proposed class B floorspace in phase 1 would provide up to 3,070 sq m Class B1, up to 39,850 sq m Class B2 and up to 32,800 sq m Class B8. This indicates that a significant proportion of the planning employment opportunities will be brought forward in the early part of the development which will create added stimulus to the location as it seeks to refine itself in the strategic context of Buckinghamshire and the southern region.
- 5.27 The provision of a range of community infrastructure and facilities will ensure the delivery of a sustainable mixed use development of sufficient critical mass and diversity to meet the requirements and expectations of the new community and generate new employment opportunities. The Council's Economic Development officer strongly supports the proposals. ED consider this area of Aylesbury has maintained a strong demand from the industrial sector throughout the pandemic which this development can help to capitalise on. The demand for office space has been reduced throughout the pandemic and interest has only been from people looking to move to smaller premises away from main centres. Continued investment and the delivery from this site will help maximise the opportunities presented in the Garden Town and aid the economic recovery of the county and will help meet continued demand for employment space.
- 5.28 The ES and ES Addendum considers the effects of the proposed development to be of major beneficial significance. It would also accord with the NPPF paragraphs 105 and 106 in that it provides a balance of land uses, maximises opportunities to reduce the need to travel, undertaking day to day activities including working on site and providing key facilities within walking distance such as primary schools, employment and a local centre .

- 5.29 Summary: In total, the ES forecasts that the development has potential to provide up to 5,705 direct and indirect jobs (gross) including construction and operations in the assessed period (which factors in a 25% churn/turnover ie: people changing job or additional jobs being created ) of the lifetime of the ES assessment period, of which 210 would be construction jobs. The total no. of jobs (estimated as 2,634 net end-user jobs to the area) equates to 3% of the jobs supply in the area, which is a highly significant contribution (£152.3m GVA) in a challenging economic climate. Therefore, not only will the development provide significant employment land and the direct creation of jobs which weighs heavily in its favour, it is acknowledged that the construction of the development in itself would contribute to the economy of the area and in-line with the resultant population growth and would support/create opportunities for local businesses, facilities and services with increases in expenditure estimated in the ES.
- 5.30 The employment based uses will be secured through the s106 agreement which will ensure that the land is marketed and made available at an appropriate stage in the construction of each relevant phase. In view of the recent changes to the Use Classes Order, a number of these uses would now fall within Class E. It is considered that it would be appropriate to restrict the change of use of specific uses through conditions to ensure the appropriate uses are provided for the benefit of the community, economy and impact on the highway network.
- 5.31 The scheme is currently deliverable and creates a key opportunity to secure major development that delivers wide ranging economic, social and environmental benefits for the area and Buckinghamshire as a whole. It is therefore considered that the proposals would deliver significant economic benefits in terms of substantial inward investment and job creation which would have local, council wide and regional economic benefits, delivers the governments designated enterprise zone and would be in accordance with policy VALP policies S1, D1, D-AGT3, D6, E5, and B3 of the ACNP, and the NPPF.

#### **Housing: Quantum, Affordable Housing and Housing Mix**

VALP: D-AGT3(Aylesbury north of A41), H1(Affordable Housing), H5(Custom/self build), H6a(Housing Mix), H6b(Housing for older people) and H6c (Accessibility)

ACNP: H3(Affordable Housing), H4(Housing for Older People), H5(Mix of Housing)

WTNP: H4(Housing Mix and Tenure).

Aylesbury Vale Area Five Year Housing Land Supply Position Statement (September 2021)

- 5.32 VALP policy D1 identifies Aylesbury Garden Town as the focus for the majority of Aylesbury Vale's growth delivering 16,700 new homes, of which 3,282 are allocated at Aylesbury in the Plan. Policy D-AGT3 seeks to fulfil this to deliver at least 1,747 dwellings up to 2033. These are up to date strategic policies. The September 2021 Five Year Housing Land Supply Position Statement for the Aylesbury Vale area shows that the Council can demonstrate 5.47years' worth of deliverable housing supply against its local housing need in the Aylesbury Vale area applying the appropriate buffer of 5% based on previous levels of good delivery and a 2020 Housing Delivery

Test result of 128%. The adopted VALP target now forms the basis of the housing requirements, made up of Aylesbury Vale's Full Objectively Assessed Need (FOAN), which is 20,600 dwellings, and unmet need from the Wycombe, Chiltern and South Bucks areas, which totals 8,000 dwellings. The housing requirement set out in the VALP is 1,430 dwellings per annum, which totals a 5YS requirement for 2021-2026 of 7,150 homes.

#### Quantum

- 5.33 The submission confirms that the site is deliverable for housing and will form part of the second phase of the development. Residential development will comprise 28.8ha of the site supporting up to 1100 residential units, which comprises 63% of the 1,747 proposed in D-AGT3 criteria a. for the wider site. 990 homes are projected to be delivered on this part of the allocation between 2024 and 2033, with the overall D-AGT3 allocation providing 150 homes to be delivered 2020-2025 and 1,597 homes to be delivered 2025- 2033 The proposal would therefore contribute to housing land supply within the next 5 years and would ensure an on-going long term supply thereafter up to 2033.
- 5.34 The phasing strategy identifies a logistical sequence of building out the ELR/highways and utilities infrastructure, enabling works and employment zone first. It is also necessary to re-level parts of the site to ensure the site has satisfactory flood mitigation, incorporated into the finished levels and the drainage system before the residential land is made available. No residential development can occur until the related flood mitigation scheme is in place and conditions are imposed to confirm the phased approach to the implementation of the development. In light of the phasing strategy and having regard to the significant contribution that the proposal would make to the housing supply of the area , it is considered that this is a significant benefit.
- 5.35 It is considered that there would also be economic benefits in terms of the construction of the dwellings themselves as well as the resultant increase in population which would contribute to the local economy, as recognised in the section above.
- 5.36 The illustrative masterplan (see appendix B) shows the residential areas to be located in the north and east of the site, centred around the new local centre.

#### Affordable

- 5.37 In relation to affordable housing, VALP policy H1 requires a minimum of 25% provision in residential developments of 11 or more dwellings. The type, size, tenure and location of affordable housing will be agreed with the council, taking account of the council's most up-to-date evidence on housing need and any available evidence regarding local market conditions. Where an applicant advises that a proposal is unviable in the light of the above policy requirement; specific site characteristics and other financial factors and an independently assessed open book financial appraisal of the development should be provided by the applicant.

- 5.38 Policy H3 of the ACNP requires 25% affordable housing unless it can be demonstrated that abnormal costs will render it unviable and a lower proportion is agreed. Policy H4 of the WTNP requires 25% as affordable (or in line with the Council's policy whichever is greater).
- 5.39 The NPPF states that local planning authorities should set policies for meeting affordable housing needs on site and those policies should be sufficiently flexible to take account of changing market conditions over time.
- 5.40 The applicant has confirmed that based on the Financial Viability Appraisal (FVA) submitted in support of the application, 20% of the dwellings are to be affordable units. The viability appraisal is based on the current day values, growth forecasts, build costs and other development assumptions including the requirement to provide a comprehensive range of s106 contributions towards transport, highways, education, open space and other on-site benefit-in-kind provisions.
- 5.41 The proposed baseline affordable housing provision would comprise a tenure split of 60% affordable rent and 40% shared ownership with the detailed dwelling mix to be determined in the reserved matters submissions. This deviates from the normally preferred tenure split of 75% affordable rent and 25% shared ownership. However, through the Financial Viability Appraisal review process, it has been determined that this tenure split is the optimum split to ensure that it provides an affordable tenure split which responds to the housing needs in the Aylesbury Vale area. The District Valuer Service confirms that the inputs, methodology and outcomes of the Financial Viability Appraisal put forward by the applicant are reasonable and are an accurate reflection of the economics of the development, which would allow the site to be deliverable, and secure an appropriate level of s106 contributions to mitigate the impacts of the development and provide the maximum reasonable level of affordable housing. Furthermore, given the advice set out in the NPPF para 81 with regards to the planning system supporting economic growth, officers consider the proposed tenure split acceptable in order to encourage this development rather than act as impediment to sustainable growth by placing unviable restrictions on the developer.
- 5.42 Officers consider that the affordable housing provisions are justified in these circumstances. It is considered that the applicant has been able to demonstrate to the satisfaction of the local authority that the proposed development will provide the maximum reasonable provision of affordable housing having regard to the economic viability and deliverability of the development, as required by Policy H6a of VALP and H3 of the ACNP. It is recognised that the proposed primary objectives and elements of the development, are economic, and are intended to deliver a significant part of the Aylesbury ARLA/Woodlands Enterprise Zone alongside new strategic infrastructure (the ELR (S)). Therefore, it is acknowledged that the primary objectives/elements of the development would be well supported through the provision of housing on the site.
- 5.43 Furthermore, as the housing development is planned to commence later into the construction programme in Phase 2, the applicant has agreed to set a minimum baseline of 20% (with 60/40% tenure split), with review mechanisms seeking to

secure up to 30% (with 75/25% tenure split) if viability improves during the construction of development. The Council's Housing Officers raise no objections to the above provisions and welcome the incorporation of review mechanisms in order to maximise affordable housing provisions/improve tenure split later in the development programme. The S106 will seek to secure this provision including the clustering standards, housing mix and tenure split.

- 5.44 It is acknowledged that there remains a high demand / need for affordable housing within the Aylesbury Vale area and the proposal would comply with VALP policy H1, Policy H3 of the ACNP and Policy H4 of the WTNP .

Mix

- 5.45 VALP policy 6a seeks a mix of homes to meet current and future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. The housing mix will be negotiated having regard to the council's most up-to-date evidence on housing need, available evidence from developers on local market conditions and shall be in general conformity with the council's latest evidence and Neighbourhood Development Plan evidence where applicable for the relevant area. Policy H5 of ACNP, and Policy H4 of WTNP requires a mix reflective of the latest housing needs including 2&3 bed homes.
- 5.46 As this is an outline application of up to 1100 units, the site-wide overall mix has not yet been determined and permission is not sought for a specific housing mix. The suggested dwelling mix is identified in the HEDNA, which also identifies the preferred affordable housing mix (See below table). The final mix of dwellings will be determined at the reserved matters stage to ensure the scheme accords with the housing need prevailing in the council area at the time and is reflective of the overall mix of dwellings within the development.

	<i>One Bed Flat</i>	<i>Two Bed Flat</i>	<i>Two Bed House</i>	<i>Three Bed House</i>	<i>Four Bed House</i>	<i>Five Bed House</i>
<i>Percentage %</i>	3.6%	3.5%	12.8%	52.1%	21.0%	6.9%
<i>Total: 1100</i>	52	45	198	542	204	59

- 5.47 The approach of setting out an indicative mix (at the outline stage) and type of extra care housing will ensure flexibility over the duration of the development programme and is considered to be in line with the NPPF which seeks to create sustainable, inclusive and mixed communities and requires a mix of housing based on current and future demographic trends.
- 5.48 VALP policy H5 Self/custom build housing expects developments proposing 100 dwellings and above to provide a percentage of serviced plots for sale to self/custom builders, to be determined on a site-by-site basis dependent on evidence of demand and feasibility. As part of the housing offer, the applicant has confirmed provision will be made for (at least) 165 custom and/or self build units (15% of 1100), unless otherwise agreed which will be subject to viability review, demand assessment and



phasing strategy and secured in the S106. It is envisaged by the applicant that this will be built in the higher density areas shown on the parameters plan, at 45-70 dph, which is located within the more central areas. Inclusion of this quantum will contribute to the diversification and improvement of the housing mix and stock which offers home buyers greater choice and would be secured through the S106 with the flexibility for delivery, including if appropriate through any local development order (LDO) that might be adopted., and accord with policy H5 of VALP.

- 5.49 VALP Policy 6 c requires all development to meet at least category 2 accessible and adaptable dwellings standards unless it is unviable to do so which will need to be demonstrated by the applicant and independently assessed. A minimum of 15% of Affordable Housing to be wheelchair accessible housing unless it is unviable to do so (demonstrated by the applicant and independently assessed). Policy H4 of the WTNP requires at least one unit to be accessible. The proposal provides 15% of the affordable units to be wheelchair user dwellings and the remainder of the affordable units to be accessible and adaptable standard and accord with policy H6c of VALP and H4 of WTNP. This is to be secured through a S106 agreement.
- 5.50 In addition to the housing proposed, 60 extra care residential units will be provided in close proximity to the residential dwellings on the north western most development block. The applicant has sought permission for Class C2 Extra Care units, which permits the occupation of the units by residents with potentially extensive levels of care needs – consistent with the use class C2 type. The provision of extra care units would add to the range of accommodation provided across the development ensuring that there is a sustainable mix and balanced community. The Extra Care housing will be secured in the legal agreement, and the detailed design, scale, layout, access and landscaping will be subject to reserved matters approval and accord with policy D-AGT3 of VALP key development and land use requirements and policy H4 of the ACNP.
- 5.51 Having regard to the above matters, the provision of 1100 houses at Aylesbury Woodlands would make a significant contribution towards housing supply and would bring forward planned growth of Aylesbury Garden Town envisaged in VALP, through this urban extension which is a significant benefit. The proposal would also contribute to the delivery of affordable housing which would be a significant benefit. It would provide a good range of housing with custom/self build and extra care. On this basis the proposal complies with Development Plan policies in the VALP in particular D1, D-AGT3, H6a, H6b, H6c, ACNP, WTNP and NPPF would provide sustainable homes that would have significant economic, social and environmental benefits.

### **Transport matters and parking**

VALP: D-AGT3 (Aylesbury north of A41), T1 (Delivering the Sustainable transport vision), T3 (Supporting local transport schemes), T5 (Delivering transport in new development) and T6 (Vehicle parking), Appendix B (Parking Standards), T7 (Footpaths and cycle routes), T8 (Electric vehicle parking) and T4 (Capacity of the transport network to deliver development)  
ACNP: LC2 (Public open spaces, footpaths, cycle and bridleways) , T1(traffic mitigation), T2(Encourage walking and cycling)

WTNP: T1(Improvements to road safety and ease traffic congestion), T2( Strategy for improving pedestrian and cycle connections within the Parish and to surrounding area); T3( Encourage better planning of public transport).

Local Transport Plan 4 (2016-2036)

Aylesbury Transport Strategy (ATS) 2017

Emerging BBKNP: F2 (Maintain footpaths within the Neighbourhood Area)

- 5.52 VALP policy T1 states that the strategy to deliver sustainable transport in Aylesbury Vale is based on encouraging modal shift with greater use of more sustainable forms of transport and improving the safety of all road users. Policy T3 supports key transport schemes listed in Table 17 of the policy including those identified in the Aylesbury Transport Strategy (ATS) and resist development that would prejudice or diminish the integrity of implementation. Table 17 of T3 includes Aylesbury, Eastern Link Road (S) as a protected and supported transport scheme.
- 5.53 VALP Policy T5 requires development to provide the necessary mitigation against unacceptable transport impacts which arise directly from development. ACNP and WTNP policies are consistent with VALP policies T1, 3 and 5.
- 5.54 VALP policy D-AGT3 criteria b requires provision of a distributor road between the ELR (N) and the A41 Aston Clinton Road and any related highway improvements to be delivered within five years of the development commencing. In addition criteria g. requires cycleways, footpaths and public transport connections into the town and to surrounding areas. Active travel links to be established to Broughton Lane, the Garden Town Community and the Aylesbury Arm of the Grand Union Canal.
- 5.55 The NPPF at para 110 seeks to encourage sustainable transport modes and to ensure safe and suitable access to new development. It will also be necessary to consider whether the proposal provides opportunities to undertake day-to-day activities and that the development would ensure that safe and suitable access to the site can be achieved for all people, and that improvements can be undertaken that cost effectively limit significant impacts on capacity or Highways safety to an acceptable degree. Para 111 states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety or where the residual cumulative impacts would be severe.
- 5.56 Local Transport Plan 4 (2016-2036) sets out the Council's policies and strategies to address transport related issues and challenges over the plan period. Policy 2 relates to improvement in connectivity: and Policy 7 discusses the importance of reliable road travel.
- 5.57 Aylesbury Transport Strategy (ATS): The Aylesbury Transport Strategy was commissioned in 2016 by the legacy Buckinghamshire County Council (BCC) to set out the improvements needed to support the planned growth of the town between 2016-2033. The ATS sets out a comprehensive strategy to address the current and future issues affecting the transport network of Aylesbury town centre and all its immediate urban areas. The ATS was adopted by BCC on the 13th March 2017. This strategy provides an evidence based strategic policy document which assists the

council and Highways Authority in assessing planning applications. Elements of the ATS have now been carried over as key protected transport schemes in Policy T3 of the adopted VALP. In relation to the soundness of the VALP transport policies and more particularly the highways schemes included in Policy T3, including ELR(s), the Local Plan Inspector concluded in his report on the soundness of the Local Plan that:

303 "...the evidence shows that in general, although unlikely to solve all of Aylesbury's problems, the schemes are justified and so, sound..." and

312... "The proposals are shown to result in a situation that would be better than one without the proposals and so, they would be justified and are therefore, sound.

- 5.58 It is clear from the above that the ELR(s) that will be delivered through Woodlands us an essential component part of the necessary mitigation required to accommodate VALP growth.
- 5.59 The ATS forms a material consideration, and some weight is given to it, within the assessment of the Woodlands application.
- 5.60 The six objectives of the ATS are to improve transport connectivity and accessibility within Aylesbury town, improve accessibility to other urban centres and net growth areas outside Aylesbury town, contribute to air quality by minimising the growth in traffic levels and congestion, improve journey time reliability, reduce the risk of death or injury on the transport network and make it easier and more attractive to travel by active and public transport modes.
- 5.61 The Transport Strategy clarifies the main transport issue affecting Aylesbury which comprises high volumes of traffic passing through the town centre. Aylesbury is a focal point of the Council's road network and is connected to the wider highway network via the A41, A418 and A413 and only the A4157 currently provides an internal semi-circular road around the north of the town. The ATS acknowledges that arterial routes to/from Aylesbury are congested during the morning and evening peak hours, particularly along the A41 and the southern links, based on results from the Council wide model. This will continue to worsen if the significant amount of growth expected in new developments around the town goes ahead without any mitigation measures to the transport network.
- 5.62 Paragraph 4.2.4 of the ATS acknowledges the need for new infrastructure in order to support this growth and states that:  
"Associated with this growth are already a number of new link roads proposed outside the town centre which would together form part of an external circular ring road and redirect through-traffic to peripheral routes rather than through the town centre, also providing the opportunity for a more pedestrian and cycle friendly town centre and space for additional bus priority and shared paths closer to the town centre."
- 5.63 The Infrastructure Delivery Plan forms part of the evidence base behind the adopted Local Plan and is a relevant document for consideration. This states that

“The Transport Strategy for Aylesbury considers future needs of the Highway Network, Public Transport, Cycling and Walking and future Car Parking provision. It sets out Transport Improvements for Aylesbury as a whole including the Town Centre and sets these out on a short, medium and long term basis.

5.64 The Strategy Aims to:

- *Complete a series of outer link roads that will take traffic away from the town centre and allow public transport priority improvements to take place on the main radial roads closer to the town centre”*
- *“To achieve the aims of the Strategy key strategic links need to be delivered together with complementary public transport, walking and cycling schemes to ensure that released highway capacity is not taken up by suppressed demand. The following key strategic links are either in development or planned.*

These “key strategic links” include:

- *Eastern Link Road (ELR) to provide the remainder of this link including a bridge across the canal and a link south to the A41. The section north of the canal including the Stocklake link (SL) to the town centre is under construction/committed.*

5.65 Note that the Stocklake Link Road is now open to traffic and known as Bellingham Way. The proposed Woodlands development site includes the ELR(s) that will allow the completion of the ELR, an integral part of the ATS

5.66 The ATS states that “The new transport infrastructure in and around Aylesbury will be key to the delivery of strategic housing allocations to the east of the Town. A key element of this is the need to deliver both sub-regional and town wide improved road links, especially linking the A41 and the A413 to Leighton Buzzard (M1) and Milton Keynes in the north, and High Wycombe and the Thames Valley to the south. Future housing and employment investment is likely to be reliant in part upon the delivery of such links, to provide access to adjoining employment sites as well as addressing current levels of congestion within the town and open up new development opportunities.

5.67 There are a number of highway and junction schemes considered necessary to accommodate increased levels of developments around Aylesbury. These are summarised in the IDS Schedule at Appendix A as well as in the Aylesbury Transport Strategy itself.”

5.68 Aylesbury currently experiences significant congestion throughout the day with 3 “A” roads converging in the town centre and cross-town journeys being particularly difficult due to congestion. In addition, HS2 will impact the town negatively in terms of congestion and delay. Removing the cross-town traffic would help control congestion in the town centre and allow for improvements to the public realm in the centre of Aylesbury which could include additional provision for public transport, walking or cycling as set out in the Aylesbury Transport Strategy and Aylesbury Garden Town Masterplan. This would also lead to improvements in air quality and contribute to the Garden Town principles of encouraging active and healthy lifestyles.

5.69 Woodlands is a fundamental part of this long-term vision to deliver an orbital route around Aylesbury. The SMRR and SEALR are programmed for completion by 2024, together with the SLR through Hampden Fields. The ELR(S) through Woodlands is also programmed with the same 2024 completion date to maximise the efficiency of the transport network. Any delay to issuing the planning permission for Woodlands development could result in a delay to the delivery of an important section of the link road orbital and the incremental improvement of transport conditions within Aylesbury.

#### *Vehicular Access*

5.70 The access to the site is to be provided from 3 points comprising (1) Woodlands roundabout, (2) College Road North and (3) the proposed Eastern Link Road (South) – ELR (North). A new link road, the ELR(S) which is proposed to connect to the approved Eastern Link Road North (provided as part of the Kingsbrook development to the north) and the Woodlands Roundabout to the south. The Eastern Link Road South (ELR(S)) is envisaged to provide the primary access points to the development via two new roundabout junctions that connect the ELR to the main distributor roads within the development itself.

5.71 At the southern end of the ELR(s), the Woodlands roundabout is designed in outline form and connects the ELR(s) with the A41 Aston Clinton Bypass, A41 Aston Clinton Road and C141 Aylesbury Road, Aston Clinton. A further highway connection is proposed to the Woodlands Roundabout as part of the Hampden Fields development (16/00424/AOP) and this will allow the continuation of the link roads on to the Southern Link Road (dual carriageway) through the Hampden Fields.

5.72 The proposed College Road North access to the Woodlands development is the only element of the planning application submitted in detail. The details of this junction arrangement are shown in on drawing 32113/2015/001 Rev C and this has been supplemented by swept path analysis of large goods vehicles. The junction is formed with a 55m ICD roundabout with 7.3m wide DMRB width carriageways leading in to it on all arms. Capacity analysis of the junction has shown it to operate acceptably and the detailed design of the junction will need be subject to a technical approval process with the Council prior to construction. As such the Council is satisfied with the details shown on the drawing for the purposes of the planning application and subject to appropriate Conditions.

#### *Eastern Link Road (South) – ELR (S)*

5.73 The proposed ELR(S) will be provided as a single two-way carriageway road with land for dual carriageway provision safeguarded to allow the road to be widened at a later date should the need arise. It should be noted that the assessments supporting the Woodlands development have not identified a need for the road to be constructed as a dual carriageway at the outset. Whilst officers are aware of public comments about building roads to dual carriageway standard the Council must be mindful of the planning tests set out in paragraphs 110 and 111 of the NPPF. In summary, it would not be justified in planning terms to require the developer to build infrastructure that is not directly related to, and necessary, to accommodate the development being

proposed. In this case, the provision of the ELR(S) and future-proofing to allow dualling is considered to be acceptable, proportionate and necessary to meet the NPPF tests. It should also be noted that there is no specific requirement in adopted policy D-AGT3 for the development of the site that would require the provision of the ELR(s) as a dual carriageway road.

- 5.74 The application details state that the ELR(S) will need to be raised from ground level from 1m rising to 6.3m to take account of its position relative to the flood plain. Notwithstanding this detail, the application is in outline form for this component and the formerly submitted detailed plans for the ELR(S) A41 Southern Access Junction and ELR(S) Grand Union Canal Bridge have now been withdrawn by the applicant and as such will not be considered in this assessment.

### **Internal Layout**

- 5.75 The indicative masterplan indicates that the main primary commercial street, in the development, is accessed off the ELR (S) (to the east) which provides access to the hotel and leisure uses and the commercial employment land use to the south east of the site which will connect with College Road North to the east. A further illustrative primary access road is proposed further to the north providing access to the residential areas and local centres to the east of the ELR (S). An indicative access road to the sports village is shown in the parameter plans. The secondary road network and pedestrian/cycle routes are also shown for illustrative purposes on the Access and Movement plan. The illustrative masterplan indicates that the proposed development could be laid out in accordance with the Garden Town principles.
- 5.76 The internal road network is shown in indicative form and has been designed to fit into the blue grid of culverts and channels which the masterplan is based around. Subject to reserved matters, it is considered that the illustrative circulation plan could potentially deliver a clear and cohesive network of routes for vehicles, cyclists and walkers, which would be in accordance with the Garden Town principles
- 5.77 When the application was originally submitted in 2016, it was accompanied by a Transport Assessment (TA), March 2016 which was prepared by Peter Brett Associates (PBA) (now Stantec). The consultation process resulted in the submission of several supplementary technical documents, including;
- Transport Assessment Addendum (TAA) '2022 First Phase Assessment', dated April 2017 prepared by PBA;
  - TAA '2034 Cumulative Assessment with Hampden Fields', dated April 2017 prepared by PBA;
  - Technical Note (TN) 'Response to BCC Highways Comments on the Transport Assessment Addendum Report (2022 First Phase Assessment) dated April 2017', dated 22nd June 2017 prepared by PBA;
  - TN 'Response to comments from BCC on joint cumulative highways assessments', dated 6th July 2017 jointly prepared by WSP and PBA;
  - TN 'Response to comments from BCC on joint cumulative highways assessments', dated 22nd August 2017 jointly prepared by WSP and PBA;

- TN 'Alternative Off-line Mitigation Proposals for the A41 Aston Clinton Road/Bedgrove/Broughton Lane Junction', dated 22nd August 2017 jointly prepared by WSP and PBA; and
- (TN) 'Non-Technical Summary of Further Transport/Highway Submissions', dated 11th October 2017 prepared by PBA.

- 5.78 These documents considered all matters relating to the proposed development, including but not limited to, trip generation, traffic impact, sustainable modes of transport (walking, cycling and public transport), and offsite mitigation.
- 5.79 Buckinghamshire Council's (BC) Highways Development Management team previously provided consultation responses regarding this application, which were dated 30th May 2017, 7th June 2017 and 13th October 2017. The final comments on the proposal at that time concluded that the impact of the proposed development could be appropriately mitigated through planning Conditions and S106 Obligations.
- 5.80 Since the former AVDC committee resolution to grant planning consent in October 2017, an update to the Buckinghamshire Council Aylesbury Transport Model (ATM) has been adopted (ATM 2020). Buckinghamshire Council has consequently been requiring all major applications which do not yet have planning consent to utilise this new model to assess their impacts. Whilst this application did receive a resolution to grant consent in October 2017, formal planning consent was not issued. As such it was necessary for the transport modelling and impact evidence base that supported the application to be updated.
- 5.81 As a result of the ATM 2020 update, the applicant submitted a Transport Assessment Addendum (TAA) dated November 2020. The TAA utilised the new model data to update the previous traffic impact assessments. No other highway related changes to the application are understood to have been made since the resolution to grant was passed in October 2017 other than those discussed in the TAA, and therefore all other highway and transport aspects of the proposed development remain the same as previously agreed in 2017.
- 5.82 Buckinghamshire Council (BC) subsequently considered the contents of the TAA in detail and issued a further Highways response on the TAA on 8th January 2021 that confirmed that there was no highways objections to the application subject to appropriate conditions and S106 Obligations.
- 5.83 Following this response an objection to the application was received from the Hampden Fields Action Group (HFAG) on 20<sup>th</sup> January 2021, which included challenge on some Highway matters relating to the proposal. BC issued a further Highways response, dated 27th January 2021 which responded to those points raised by HFAG, as considered appropriate by the Highway Authority.

#### **Aylesbury Strategic Transport Model (2020) (ATM)**

- 5.84 The Aylesbury Transport Model was updated primarily to support a full business case that was submitted to the Department for Transport (DfT) for the South East Aylesbury Link Road (SEALR), but with a secondary purpose of supporting other

business cases in the area (if required in the future) and also for use in Development Management as an appropriate evidence base for assessing network performance. DfT require a model developed in line with Transport Analysis Guidance (TAG) to a high degree of rigour in order to consider a full business case.

- 5.85 The model has been deemed to perform well against relevant standards by DfT and fit for purpose to use as an evidence base for a business case. This provides confidence and reassurance that the model is representative of current conditions. As the level of rigour expected in a full business case exceeds that required for the assessment of planning applications it provides further assurance that the model is fit for the purpose of assessing the traffic impact of a proposed development, such as Aylesbury Woodlands. In order to provide further confidence in its fitness for purpose, it should be noted that it was confirmed at the recent Public Inquiry (November 2021) for the Compulsory Purchase Order for the SEALR scheme that the ATM has been assured and approved by the Department for Transport.
- 5.86 In order to further demonstrate that the model is suitable for its intended use, the Council has commissioned an independent review of the model development and key characteristics, from an independent office of Jacobs who have had no involvement in the model development for the Council. The Technical Note reaffirmed that the model is suitable for its intended purpose.
- 5.87 The updated Aylesbury Transport Model (ATM) is a VISUM based highway model that includes weekday AM Peak (08:00 – 09:00), inter-peak (average hour between 10:00 – 16:00) and PM Peak (17:00 – 18:00) period data. The Future Forecast Year is 2036 and a variety of other forecast scenarios have been developed to account for committed developments and infrastructure coming forward in the Aylesbury area and to account for the growth outlined within the Vale of Aylesbury Local Plan (VALP).
- 5.88 More details of the updated model are set out in the BC Highways response dated 8th January 2021, which is appended to this Committee report in full, along with the Technical Note (TN) which sets out the Jacobs independent review of the model structure.
- 5.89 The Local Model Validation Report (LMVR) is also available to view on the BC website and details how the model has been created and developed in line with TAG for the purposes of appraising the impacts of development and transport infrastructure schemes.

#### **Annual Average Daily Traffic (AADT)**

- 5.90 Objectors have raised concerns that there is a discrepancy between the Annual Average Daily Traffic (AADT) levels used in the respective cumulative scenarios for the Aylesbury Woodlands application and the Hampden Fields planning application (16/0424/AOP), which they say calls into question the validity of the Transport Assessments and Environmental Statements for both of these applications. It should firstly be understood that the AADT flows are NOT used for the assessment of network peak hour performance which is the main consideration of the acceptability



of the development from a traffic impact perspective. The peak hour data is provided directly from the strategic model for the AM peak hour and PM peak hours and this is used to model the standalone and cumulative impacts of the development. Any differences in AADT figures therefore do not affect the conclusions of the Transport Assessment.

- 5.91 The applicants transport consultant, Stantec has clarified the position for the Aylesbury Woodlands application on the points raised regarding the AADT levels in a letter to Buckinghamshire Council dated 26<sup>th</sup> January 2021.
- 5.92 The applicants state that where a traffic model is used to forecast future travel demand, the industry standard methodology for estimating future AADT flows is to factor up peak period traffic flows. To do this, expansion factors are derived from observed traffic survey data, which can be from different locations around the development, although the methodology is the same, different development locations can mean that different surveys are used to derive expansion factors, depending on their source data. So, although applicants may use common peak period data, extracted from the ATM for each road, the use of slightly different expansion factors can generate variations in estimated 24 hour AADT flows. The applicants confirmed that the AADT information is not used in the highway assessments where the focus is on network peak hour performance.
- 5.93 The applicants go on to note that any given road has daily variations in 24 hour traffic volumes Monday to Sunday, and at different times of the year. These volumes can typically vary by at least 5 - 10%. Therefore, AADT flows are 'average' flows, which can vary day to day. Objections made in respect of the calculations have been addressed by rectifying one of the calculations and the result has not affected the ES.
- 5.94 In summary, variations between the AADT levels set out in the respective submissions for Aylesbury Woodlands and Hampden Fields are reasonable to expect and would not have any bearing on the assessments of peak hour performance, fundamental to the assessment of the TAA.

### **Traffic Impact**

- 5.95 Given the relationship of the Aylesbury Woodlands development with the Hampden Fields development (planning application no. 16/0424/AOP), as part of the updated submissions both the Woodlands and Hampden Fields developers commissioned and undertook a comprehensive assessment of both the standalone and cumulative impacts of the development proposals on the operation of the highway network. The forecast year for the updated assessments for Woodlands is 2022 for a Woodlands first phase, consistent with the 2016 submissions and 2036 for the cumulative assessments combined with other developments including Hampden Fields.
- 5.96 The following model scenarios have been considered in the updated assessments for Woodlands:
- 2022 Do Minimum (First phase future baseline);

- 2022 Do Something 'stand-alone' (2022 Do Minimum + Proposed Aylesbury Woodlands first phase Development and ELRs) (No SMRR);
- 2036 Do Minimum (Future Baseline + Eastern Link Road North (ELRn) + Stoke Mandeville Relief Road (SMRR));
- 2036 Do Cumulative 1 (2036 Do Minimum + Full Woodlands including ELRs + Hampden Fields including SLR + South East Aylesbury Link Road (SEALR));
- 2036 Do Cumulative 2 (2036 Do Cumulative 1 + All live planning applications, including South West Aylesbury and SW Link Road); and
- 2036 Do Cumulative 3 (2036 Do Cumulative 2 + Other VALP sites).

5.97 The assessments were undertaken on a sifting basis using the outputs from the strategic traffic model for Aylesbury to identify likely areas and traffic flow scenarios where the proposals would individually or cumulatively have a material impact. The threshold for determining when a junction would be sifted out and not require further assessment was generally where there was no increase in peak hour traffic flows of more than 5% at any arm on the junction, but also taking into account the nature and location of a junction.

5.98 Prior to the sifting process there was a total of 159 junctions initially identified for consideration. On the basis of the sifting process more detailed assessments of the operation of a total of 62 junctions across the town were required.

5.99 The following section provides more information on the assessments of those junctions that are new, sensitive or experienced impacts that should be considered for mitigation.

5.100 All mitigation measures are expected to be fully funded by the development(s) and subject to a S106 requirement for a Standalone or Joint Delivery Strategy as appropriate depending on the scenario which will set out which developer will implement the scheme and when it will be implemented.

5.101 It should be noted that the cumulative mitigation measures have previously been found to be acceptable in approving the Hampden Fields planning application.

5.102 It is acknowledged that the first phase assessments for Woodlands based on a 2022 opening year may now be optimistic given the delay in reporting the application back to committee and it may now be more likely to be 2024. This issue is addressed in the Transport Assessment Addendum at paragraphs 2.2.7 and 2.2.8 which confirms that:

“2.2.7 Due to the delay in obtaining a planning consent for Woodlands, the construction phasing dates have been revised so that construction of the ELR(S) and its associated flood mitigation works are now due to commence in 2022, with completion expected by the end of 2024. The remainder of Phase 1 of Woodlands (consisting primarily of employment land) will commence in 2023 with completion scheduled for the end of 2024. Construction of the remaining elements of Woodlands are anticipated to commence in 2025, with completion anticipated by 2034.

2.2.8 In terms of Phase 1, although the transport model future year remains at 2022, and the revised completion dates are now 2024, this 2 year difference is unlikely to make any material change to the results and conclusions reached in this report. For example, the TEMPRO traffic growth factor for Aylesbury between 2022 and 2024 is only 3% which is minimal (and a proportion of this 3% growth incorporates Aylesbury Woodlands, so the growth factor would be lower).”

5.103 As such the 2022, Phase 1 assessments are still considered acceptable, particularly as Hampden Fields now benefits from planning consent and as such a phasing test without it, which is what the Woodlands 2022 Phase 1 assessments are, may not need to be relied on depending on phasing of infrastructure delivery associated with both developments, which is yet to be agreed.

5.104 Concerns have been raised in representations that the employment could be constructed in advance of the ELR(S). The 106 Agreement is clear that the first phases of the development are Phase 1(a) Woodlands Roundabout, (b) ELR (S) and (c) up to 74% of employment land uses. It states on Page 113 that no development can be occupied until the ELR(S) is open to traffic or until such time that the Council has been provided with additional modelling that would seek to justify any alternative. At this stage it is fully expected that the ELR(S) would be open to traffic before the occupation of any development.

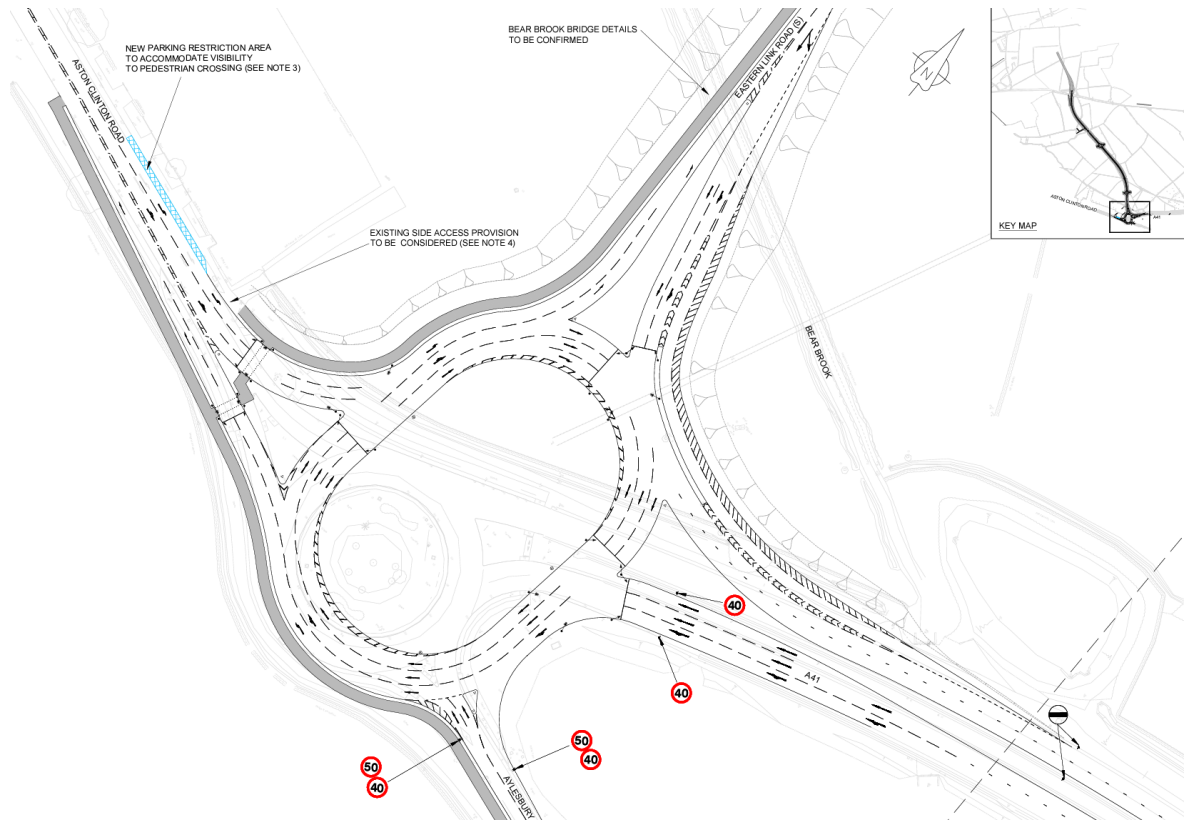
5.105 Representations also considered that the Phase 1 assessment should include all of the Woodlands development. This is not necessary given that the Phase 1 development is restricted in the S106 Agreement to the Woodlands Roundabout Works, the ELR(S) and up to 74% of the employment floor space. This is what is assessed. Further development is restricted in the S106 Agreement until the SLR through Hampden Fields progresses

### **Junction 9 - A41 Woodlands Roundabout**

5.106 The existing Woodlands roundabout is a 3 arm roundabout connecting the A41 Aston Clinton Bypass with the A41 Aston Clinton Road which connects to the centre of Aylesbury and the C141 Aylesbury Road leading to Aston Clinton. This junction will form the main access between the Woodlands development and the existing highway network through the provision of the Eastern Link Road South as a fourth arm on its northern side.



5.107 To accommodate the Woodlands development the applicants propose to improve the junction as shown on drawing D-045 Rev 2. This is an interim improvement pending a more comprehensive improvement to accommodate cumulative development. An extract from drawing 045 Rev 2 showing the interim scheme to accommodate standalone development is below;

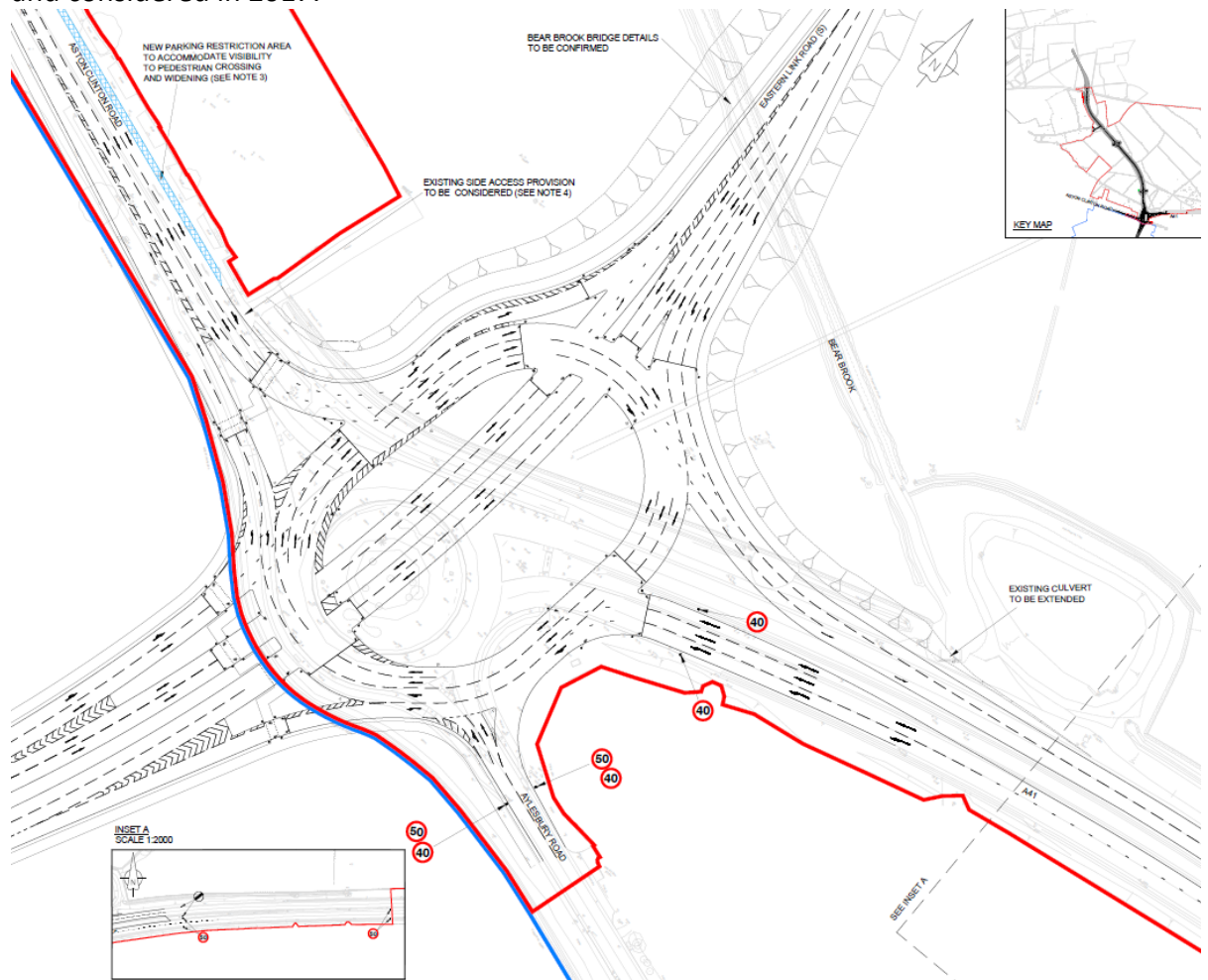


5.108 The results of the 2022 Do Something scenario based on the layout above are set out below and show that the junction would operate within capacity with the standalone Woodlands first phase of development. The key assessment criteria are the degree of saturation (DoS/RFC) and queue. A junction is indicated as being within capacity where the DoS/RFC is at or below 85% for priority junctions (including roundabouts) and 90% for signal controlled junctions.

Table 3.11.1 – Summary of the A41 Woodlands Roundabout – 2022 Do Something

Link	AM		PM	
	Deg Sat (%)	MMQ	Deg Sat (%)	MMQ
<b>2022 Do Something</b>				
ELR North	39%	3	26%	3
A41 East	50%	5	83%	12
Aylesbury Road Southeast	28%	0	18%	0
A41 West	47%	7	45%	8
Circulatory at ELR North	42%	1	37%	1
Circulatory at A41 West	72%	5	35%	3
Circulatory at A41 East	52%	3	39%	3
Exit Crossing Southwest	42%	7	51%	4
A41 Westbound Exit	43%	7	63%	7
ELR North Exit	14%	4	10%	1
<b>Total Delay (PCU/hr)</b>	<b>18.6</b>		<b>23.1</b>	
<b>Cycle Time (s)</b>	<b>52</b>		<b>56</b>	

5.109 To accommodate cumulative development it is proposed to upgrade the existing junction further, as shown on Jacobs Drawing B12798C7-0000-D-0048 rev1, an extract of which is below. This junction arrangement is again the same as presented and considered in 2017.



5.110 Jacobs have updated the junction capacity tests using the forecast traffic flows from the 2020 Aylesbury Traffic Model. The results of the assessment show that the junction would operate acceptably in all 2036 Do Cumulative scenarios.

5.111 The results of the analysis are considered acceptable to the Highway Authority and show that the improvements to the junction offer benefits to the operation of the highway compared to the Do Minimum scenario. These junction improvements will need to be secured as part of a S106 Agreement in the event that planning permission is granted.

### **Junction 22 – A41 / Broughton Lane/Bedgrove**



5.112 The A41 / Broughton Lane / Bedgrove junction includes 2 linked signalised junctions, forming a staggered road arrangement. It is a problematic junction on the network, and this is in part due to the number of side roads competing for green time at the existing signals.

5.113 Table 3.21.1 of the TAA summarises how the existing junction will operate under 2036 Do Minimum, 2036 Do Cumulative 1 and 2036 Do Cumulative 2 traffic conditions. It shows that in the 2036 Do Minimum Scenario, the existing junction arrangement is expected to operate significantly over theoretical capacity in the AM peak period. In the PM peak period, the junction will also exceed capacity.

5.114 Table 3.21.1 shows that under the two 2036 Do Cumulative scenarios, there is slight improvement in conditions in the AM peak period. However, there is a deterioration in performance in the PM peak period when compared with the 2036 Do Minimum results. The junction is expected to operate significantly above theoretical capacity in both 2036 Do Cumulative scenarios.

- 5.115 A mitigation scheme has been proposed making use of land to the north of the junction. Some representations have questioned the deliverability of this improvement scheme due to land availability and other consenting requirements. However, the Councils' legal team have confirmed that the land in question has neither been registered under the Commons Act, nor recorded as a Town or Village Green. The Council's Legal team have further confirmed that the highways scheme is deliverable.
- 5.116 The scheme involves removing the northern arm of the Bedgrove junction which is known as the Tring Road local Service Road (and also Akeman Way), diverting the road and linking it across to Broughton Lane to the east by way of a priority junction. The process of diverting the Tring Road service road would simplify the operation of the signal junction, thereby creating additional capacity.
- 5.117 This proposed scheme, illustrated on WSP Drawing 1769-SK-150-F and shown below, has previously been agreed as acceptable mitigation for this junction as part of the recent SEALR and Hampden Fields planning permission. It was also a scheme that formed part of the previous mitigation package considered in 2017 and is not therefore new information.
- 5.118 It should be noted that this scheme has also been agreed as proposed mitigation for two developments located on the A41 east of the junction; Westonmead Farm (19/00619/AOP) which received planning permission on 28<sup>th</sup> May 2020 and Land South of Aston Clinton Road (18/02495/APP) which was granted planning permission on 17<sup>th</sup> February 2021. The principles of the improvement scheme are therefore well established.



5.119 Table 3.22.1 of the TAA demonstrates that the mitigated junction layout provides a significant level of betterment over the 2036 Do Minimum situation, with the junction operating within theoretical capacity in both scenarios and significant reductions in mean maximum queues.

5.120 It can therefore be concluded that the junction is acceptable with cumulative development and the proposed mitigated junction arrangement.

### **Junction 31 - A418 Upper Hundreds Way / Cambridge Street**



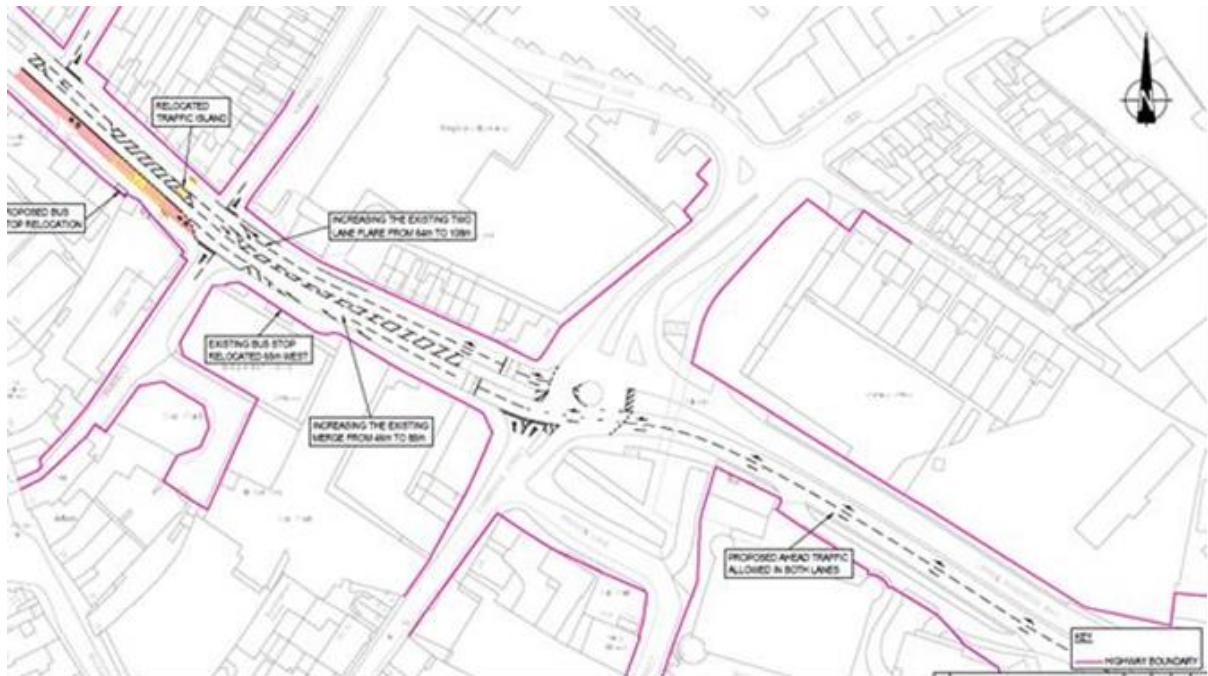


5.121 This junction is a 4 arm roundabout and has been modelled using ARCADY.

5.122 Capacity assessment results forecast capacity issues at the existing junction in the 2022 Do Minimum scenario. The results of the 2022 Do Something assessments show that the development would have a detrimental impact in the AM peak hour, but a betterment in the PM peak hour.

5.123 With the existing junction layout, the capacity assessment results show that the junction would operate over capacity in the 2036 Do Minimum scenario in both the AM and PM peak hours, and conditions would deteriorate further with the addition of development traffic in the AM peak in the 2036 Do Cumulative 2 scenario. Whilst it is noted that the junction operation deteriorates significantly in the 2036 Do Cumulative 1 scenario when compared to the Do Minimum, it is recognised that Do Cumulative 2 is the more likely cumulative scenario as it takes into account all current live planning applications for strategic development including the recent decisions on Hampden Fields and SEALR.

5.124 In 2017 mitigation works were proposed to this junction as a result of the cumulative impact. The mitigation proposals were shown on PBA Drawing 32113/5501/022 Revision E and involve changing the lane allocation on Upper Hundreds Way to allow ahead movements in both lanes, increasing the merge length on the A418 north exit, increasing the flare length on the A418 north approach and relocating bus stops on the A418 north. An extract of the drawing is given below.



5.125 The effects of this previously proposed mitigation scheme have been assessed using the updated model flows.

5.126 When comparing the results of the 2022 Do Minimum (existing layout) to the 2022 Do Something with mitigation, queues on New Street are estimated to increase in the AM peak hour. However, queues on Upper Hundreds Way reduce significantly as a result of the proposed scheme in both the AM and PM peak hours. There is also an overall betterment to the junction performance, with total junction delay reducing significantly, especially in the PM peak hour. This will be secured through a S106 Agreement.

5.127 The effects of the proposed mitigation scheme in the 2036 scenarios have also been assessed using the updated model flows.

5.128 When comparing the 2036 Do Minimum (existing layout) to the Do Cumulative 2 scenario with the proposed mitigation scheme, queues on New Street are estimated to increase in the AM peak hour. However, queues on Upper Hundreds Way again reduce significantly as a result of the proposed scheme in both the AM and PM peak hours. There is also an overall betterment to the junction performance, with total junction delay approximately halving. Therefore the impact of the cumulative development on this junction is considered to be acceptable subject to the implementation of the improvement scheme.

## Junction 36 – A41 Tring Road / King Edward Avenue / A4157 Oakfield Road



- 5.129 This junction takes the form of a 4 arm left right staggered signalised junction. The junction is forecast to operate over capacity in the 2022 scenarios, although the operation of the junction improves in the 2022 Do Something scenario compared to the 2022 Do Minimum Scenario.
- 5.130 Table 3.31.2 of the TAA shows that the junction will operate significantly over theoretical capacity in the 2036 Do Minimum scenario.
- 5.131 The 2036 Do Cumulative 1 scenario shows a slight improvement in the AM compared to the 2036 Do Minimum. In the PM period there is a significant improvement.
- 5.132 The 2036 Do Cumulative 2 scenario shows further improvements in both the AM and PM peak periods.
- 5.133 It can be concluded that the junction performs better in the 2022 Do Something Scenario compared to Do Minimum and all 2036 Do Something scenarios compared to the 2036 Do Minimum scenario. The development does not worsen the operation of the junction and there is therefore no basis to require the previously secured improvements to this junction.
- 5.134 No works to this junction are now therefore proposed as the operation is acceptable with standalone and cumulative development.

## Junctions 60 & 61 - Lower Road / Churchill Avenue & Lower Road / Hospital Access



5.135 The Lower Road/Churchill Avenue and Lower Road/Hospital Access junctions are both 4 arm roundabouts. As the two junctions exhibit an interaction with one another they have been modelled as linked junctions consistent with that adopted and agreed in the 2017 assessment.

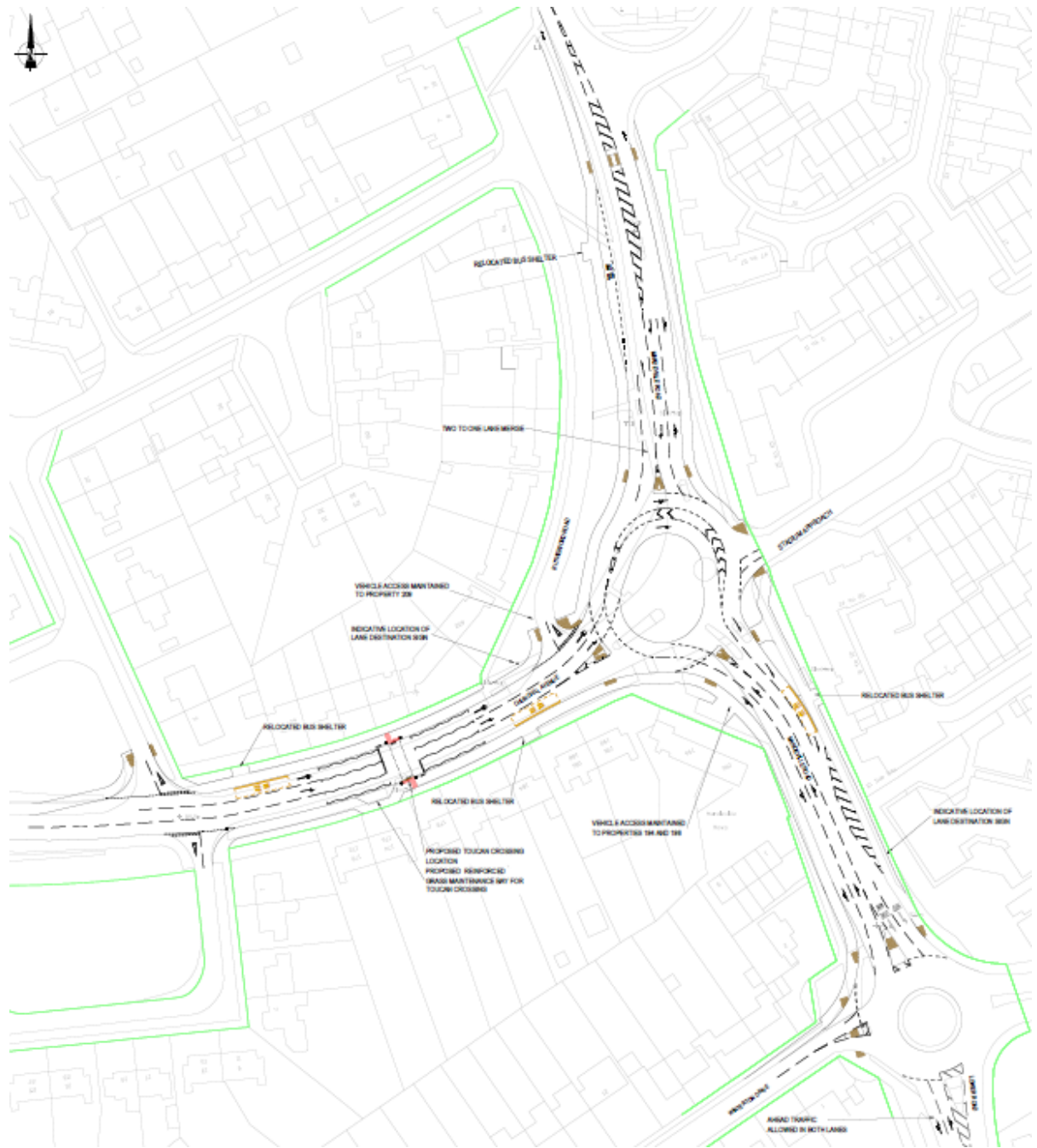
5.136 The results of the 2022 capacity assessments suggest that the junctions would experience improved capacity in the 2022 Do Something scenario when compared with the 2022 Do Minimum scenario.

5.137 The cumulative assessments have concluded that the junctions would operate better in the 2036 Do Cumulative 2 scenario when compared to the 2036 Do Minimum

scenario. This is because the level of traffic through the junctions is forecast to reduce in the 2036 Do Cumulative 2 scenario due to the addition of the South West Link Road (SWLR). Therefore, no mitigation is considered necessary for 2036 Do Cumulative 2 scenario.

5.138 The standard ARCADY assessment forecasts the 2036 Do Cumulative 1 to operate with significant betterment in the AM peak, although there would be a deterioration in conditions in the PM peak when compared to the 2036 Do Minimum scenario (Lower Road / Hospital roundabout). The lane simulation results, which take into account permitted movements in each marked lane, also forecast the Hospital Roundabout to operate worse than the 2036 Do Minimum scenario in the AM peak hour, with both roundabouts operating worse in the PM peak hour.

5.139 As part of the previous technical work in 2017, mitigation through a financial contribution was agreed for this junction for the joint cumulative scenario (2036 Do Cumulative 1). The mitigation was shown on PBA drawing 32113/5511/004, an extract of which is shown below.



5.140 For the northern roundabout, the design includes two right turn lanes on Churchill Avenue and two ahead lanes on Lower Road (south). The B4443 Lower Road (south) entry arm arrangement currently has a separate ahead and right turn lane, and the proposed changes are to introduce two ahead lanes with only minor physical alterations to the junction.

5.141 The proposed mitigation scheme has also been assessed using the standard ARCADY methods and lane simulation.

5.142 In the 2036 Do Cumulative 1 scenario the results of the standard assessment show that the operation of the junctions improve in the AM peak hour with the proposed

mitigation scheme, although the Lower Road / Hospital roundabout junction would worsen in the PM peak.

5.143 However, the results of the lane simulation assessments show that the junctions overall would improve in the 2036 Do Cumulative 1 scenario with mitigation in both the AM and PM peak hours when compared to the 2036 Do Minimum scenario.

5.144 In summary, the proposed improvements continue to offset the impacts of the 2036 Do Cumulative 1 scenario. However, should the SWLR come forward (cumulative 2) then it is accepted that the mitigation scheme is not required and it is agreed that the funds will be diverted to the advancement of the link roads.

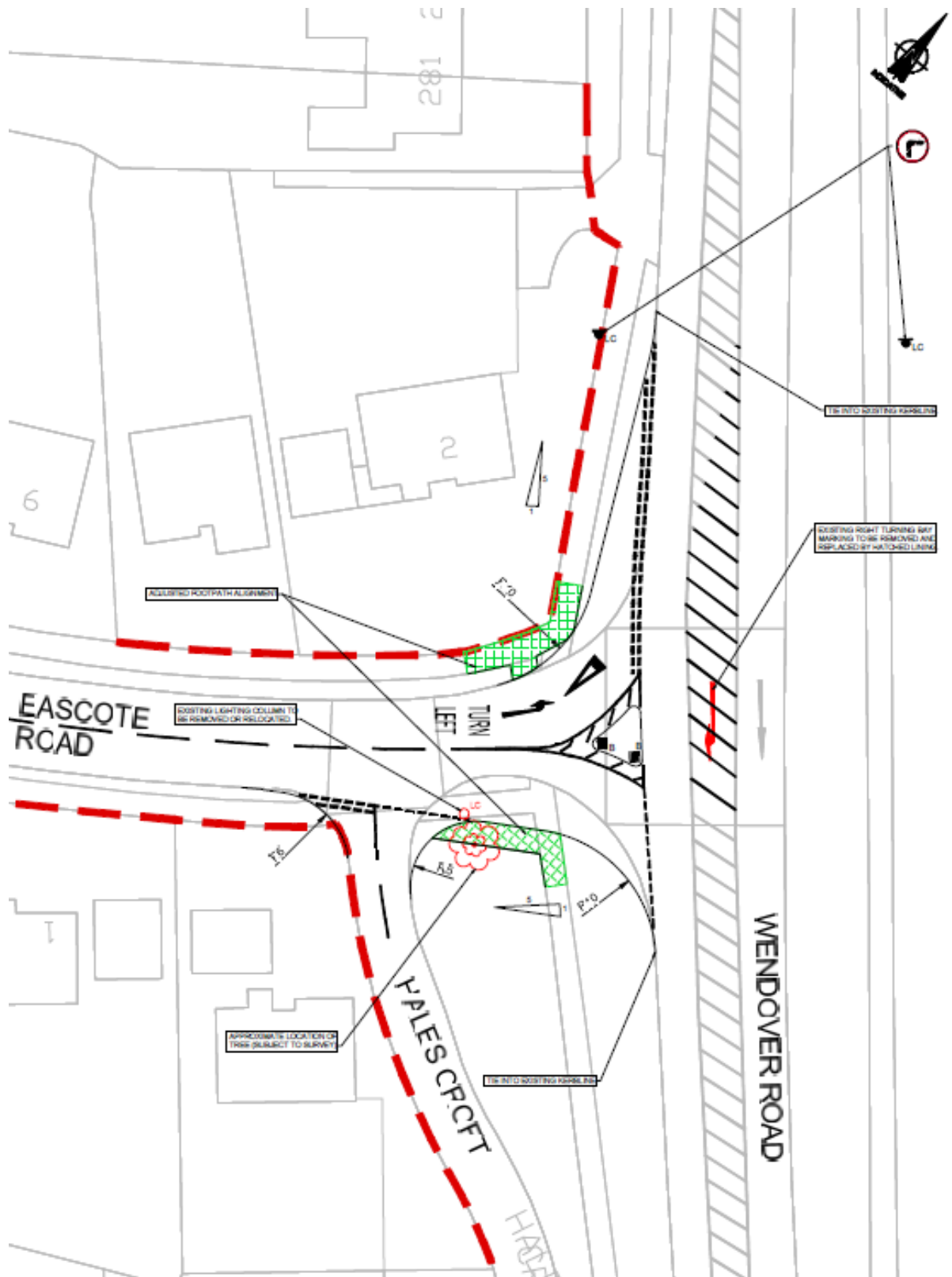
### **Junction 77 - Wendover Road / Eascote Road**



5.145 This junction is a 3 arm priority junction with a ghost island right turn lane off the main A413 Wendover Road arm.

5.146 The capacity assessment results for the 2036 Do Minimum scenario indicate that the junction is expected to exceed capacity during both the AM and PM peak hours, with significant queuing predicted to form along Eascote Road, the minor arm. The results for the 2036 Do Cumulative 1 and 2036 Do Cumulative 2 scenarios predict a further deterioration of junction performance, with increased queuing on Eascote Road.

5.147 The Transport Assessment submitted as part of the SEALR planning application proposed, subject to public consultation, an alternative junction arrangement to provide a left-in and left-out only configuration which prevents right turn movements. This arrangement is illustrated on AECOM Drawing 60535364-SKE-C-0019-A, an extract of which is shown below.



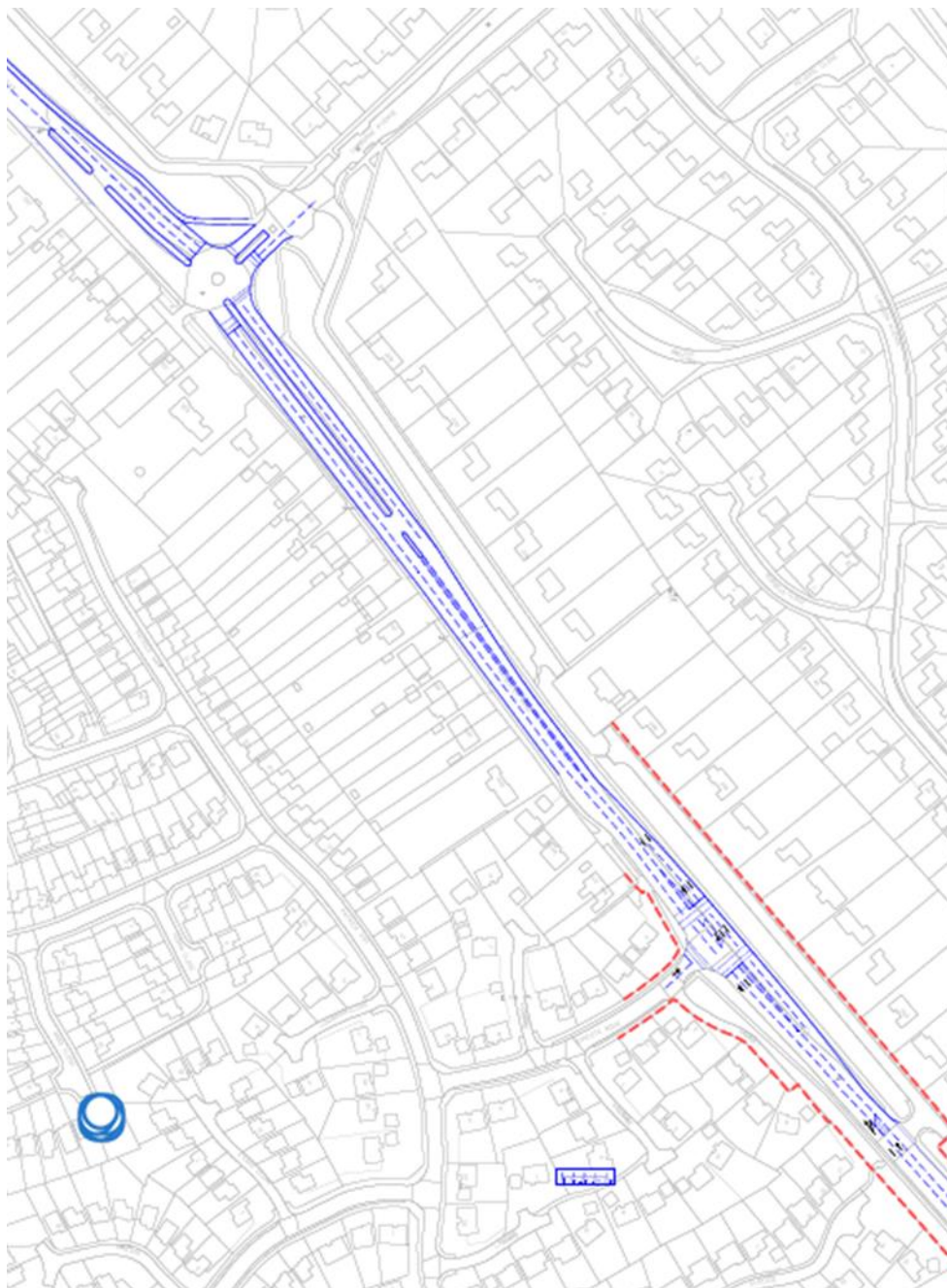
5.148 Whilst the proposed junction arrangement reduces queuing at the junction compared to the existing junction arrangement, there remains significant queuing on the side road in all scenarios.



The applicant suggests that this situation is unlikely to occur because such delays are likely to encourage drivers to seek existing alternative routes that are available to exit the housing area which Eascote Road serves. Nevertheless, the capacity assessment results show that , there is an overall improvement in queue lengths across both the peak hours.

5.149 Buckinghamshire Council are also considering the potential for a signalised junction arrangement to be delivered at this junction as part of the SEALR proposals, in tandem with the signalisation of the Camborne Avenue / A413 Wendover Road junction.

5.150 The SEALR Transport Assessment presented an indicative preliminary design for the linked signalised junctions. An extract of the potential junction drawing is shown below.



5.151 The applicants for SEALR have assessed the junction using their 2036 Do Something flows (which are the same as the Woodlands 2036 Cumulative 3 assessment). The results illustrate that the indicative preliminary signalised junction design would be sufficient to cater for the level of traffic identified for the 2036 Cumulative 3 scenario and would therefore be an adequate mitigation should traffic flows reach the levels identified for 2036.

5.152 The delivery of any such schemes for Eascote Road and Cambourne Avenue would be managed by the Council as part of the implementation of SEALR, so a contingent financial contribution would need to be secured towards the works from the Woodlands development. The mechanism for this and the level of funding can be secured as part of the S106 Agreement for the site.

### **Junction 99 - Walton Street Gyratory**



5.153 The Walton Street Gyratory junction is a key junction in Aylesbury town centre. It is a complex linked traffic signal-controlled junction with 4 main routes which join and circulate around a central area of residential and commercial properties.

5.154 The results of the assessment show that the operation of the Gyratory in 2022 with development would remain similar to Do Minimum in the AM peak hour and slightly improve in the PM peak hour.

5.155 The results of the assessment show that the operation of the Gyratory would improve in all 2036 scenarios with the addition of the development infrastructure and traffic. As such, no works to this junction are proposed as the operation is acceptable with standalone and cumulative development.

5.156 Local representations have questioned the results, stating that in the cumulative scenarios the gyratory is operating significantly worse in the PM peak than the

scenarios the Inspector rejected in 2015. However, the 2015 scenarios are no longer relevant and have been superseded by the updated ATM traffic flows. It is clear from the results of the capacity assessments utilising the updated traffic flows that in both cumulative scenarios, the operation of the Gyratory would improve with the addition of the development traffic and infrastructure. As the operation of the junction improves when compared to Do Minimum the impacts are therefore not severe or even detrimental. The development and its infrastructure has a positive rather than negative impact.

- 5.157 Objectors have also questioned the validity of the strategic model to assess the Walton Street gyratory due to a lack of explicit validation at the junction. As discussed earlier in this report, the Aylesbury Transport Model has been developed in line with Transport Analysis Guidance (TAG) and has been assured and approved by DfT as part of the SEALR business case.
- 5.158 Notwithstanding, some specific points which have been raised in representations will be addressed below. Full details on the points raised are set out in the BC Highways response dated 27<sup>th</sup> January 2021.
- 5.159 Concerns were noted in representations that the gyratory observed turning flows were not used for strategic model and objectors therefore contend that there cannot be any confidence in the assertion that future year problems at the gyratory have been solved. Details of the demand and actual flows were also requested.
- 5.160 In building the ATM, link counts on approach to the gyratory were included in the model calibration and in respect of the model's performance against these, the Local Model Validation Report (LMVR) is clear on this. Figures 10-5 to 10-7 of the LMVR show flow validation on links approaching Walton Street Gyratory and they all have a GEH of less than, or very close to, 5.0 in accordance with TAG recommendations.
- 5.161 Furthermore, as noted in section 10.7 of the LMVR, journey time routes 5 and 6 both pass through the gyratory; in both directions of these routes, the model replicates journey times to within the tolerances required by the Transport Analysis Guidance (TAG), again demonstrating the model's suitability for representing Walton Gyratory accurately.
- 5.162 The Highway Authority considers that there can be confidence in the assertion that future year issues at the Walton Street gyratory are managed as the strategy for the whole town shows that conditions improve as a result of the new link roads. The Woodlands cumulative assessments in this respect are as set out in the Council's consultation response dated 8<sup>th</sup> January 2021.
- 5.163 It has also been confirmed by Jacobs that the flows used are 'actual' flows, not 'demand' flows. This is in line with all strategic modelling for planning applications in Aylesbury where only actual flows will be provided. It would be unrealistic to design using 'demand' flows which represent unconstrained networks where we know in a busy urban environment there are always network constraints.

- 5.164 Objectors have also questioned why Jacobs have compared the modelled junction turning movements with observed data at two junctions; A41/Aylesbury Road and A41/Bedgrove/Broughton Lane, however no comparison was carried out for the Walton Street Gyratory and the A413/Camborne Avenue roundabout, both of which will be affected by the changes proposed.
- 5.165 Jacobs have confirmed that it is quite typical for modelled flow validation for models of this nature to be limited to link flows rather than turning movements. The analysis of turning movements described in the LMVR was included explicitly at the request of DfT, who requested an analysis of two junctions be included. It is noted that DfT did not require this assessment to be a formal part of calibration or validation but just for information only. The junctions chosen were those for which turning count data was readily available at the time. With respect to the findings from the comparison, Jacobs placed relatively little weight on these given that they were not a formal part of model calibration/validation requirements and that the observed data was based on a single day's traffic count. Far more consideration and weight was placed on link counts, which were derived from 2 weeks' worth of ATC data.
- 5.166 Concerns have been raised about a number of junctions that is contended are missing from various assessments. The criteria used to trigger the capacity assessment of junctions is explained in the TA, TAA and various highways responses as are the results. Each modelling scenario has different network impacts that result from differing development and infrastructure assumptions that mean that not every junction is assessed in every scenario. The Council's highway officers remains satisfied that the network assessments undertaken are reasonable.

### **Conclusion**

- 5.167 It is concluded on the Highways issues that full and detailed assessments of the application both individually and cumulatively, have demonstrated that any adverse effects of the proposals can be appropriately mitigated through planning conditions and S106 obligations.
- 5.168 The position reached in 2017 remains the same, and therefore BC Highways have confirmed that it has no objections subject to Conditions and S106 Obligations to be advised.
- 5.169 All of the link roads combine to bring forward a significant package of highway infrastructure necessary to support the required growth of Aylesbury in accordance with the VALP and the ATS. The provision of the link road through the Woodlands site is a key piece of infrastructure and the development also brings with it a broader mitigation package for the benefit of the town which will be secured through S106 agreement and accord with VALP policies D1, D-AGT3, T1, T3, T5 and ACNP and WTNP policies .

## ***Walking, Cycling and Public Transport***

### ***Existing Conditions – Sustainable Modes of Transport***

5.170 Pedestrian and Cycle accessibility – The site is located on the urban edge of Aylesbury adjacent to an established residential neighbourhood resulting in the potential for convenient access to Aylesbury town centre via a number of routes. The pedestrian and cycle strategy in the TA proposes on-site and off-site provision that will be provided to ensure the proposed development has good pedestrian and cycle connections to Aylesbury town centre, the canal towpath and Aston Clinton as required under policy D-AGT3 criteria g. On site cycle/walking provision includes:

- the provision of 3m wide combined footway/cycleway on the primary residential street network.
- the provision of a combined 3m wide footway/cycleway on the western side of the ELR(S) throughout the entire development, providing a continuous pedestrian and cycle connection between the A41 and the Land at East Aylesbury (Kingsbrook) development. Controlled crossing points will be considered on-site where required.
- the provision of a 2m wide footway on the eastern side of the ELR(S) between the Southern Woodlands Access Roundabout and the Land East of Aylesbury (Kingsbrook) Development.
- the provision of a controlled crossing across the A41 (W) arm of the A41 / Aston Clinton Road Roundabout.
- a connection to College Road North via the College Road North / Site Access / Arla Dairy Roundabout;
- Four pedestrian / cycle connections to the canal towpath.
- two footpaths offering the opportunity to integrate with the Aston Clinton MDA.

5.171 Off site provision includes:

- A proposed 3m wide shared footway / cycleway which extends from the College Road North site access to the A41 overbridge on the western side. Due to the existing overbridge, there will be localised narrowing across the bridge for a short section.
- South of the A41 overbridge, a new shared footway / cycleway is proposed on the inside of the bend (north side of the road). Uncontrolled crossing points will be provided across the slip road. This provides a connection to the short public right of way to College Road South to Aston Clinton, as shown as shown on drawings 32113/2032/003 and 004 which have been appended to this report (see appendix D1 and D2)

- The provision of dropped kerbs and tactile paving at the crossing points at the College Road North / Site Access roundabout to provide connectivity to the Arla Dairy development to the east.
- A financial contribution to re-paint the existing cycle lane markings on Aylesbury Road within Aston Clinton.
- Financial contributions towards the delivery of canal towpath improvements between Bridge 15 and Bridge 13.
- Financial contributions towards the surfacing of existing footpath AC/46/1 which currently connects College Road South with the overbridge over the A41.
- A proposed shared footway / cycleway on the southern side of the A41 from the enhanced A41 / Aston Clinton Road / Woodlands signalised roundabout. This provision will tie in to and connect with the approved Aston Clinton MDA site access design.

5.172 A good network of routes is to be provided within the development, with off and on road provision, and adequate links to the surrounding pedestrian and cycle network. The above measures will need to be developed at reserved matters stage and controlled by way of conditions if appropriate.

5.173 Public Transport Accessibility – The nearest bus stops to the site are currently located at the Holiday Inn on the A41 (services 61, 500/501 & 164) and the Hampden Hall development, which is adjacent to the site, and is served by a bus stop on the A413 (service 50). The Public Transport Strategy in the TA proposes a new bus service to serve the proposed Woodlands development. It is envisaged that the bus service will be introduced in phases over the life of the development.

*Early phases:* A new hourly bus service is proposed for the employment land-uses and for the early phases of residential development (up to 250 dwellings). The service would run along the A41 and would access and egress the development via College Road North, and complete a loop on-site. This service would be supported financially for a period of seven years.

*Full Development:* Once the ELR(S) is complete and a through link is provided from the ELR(S) to the College Road North access, it is proposed that the service frequency is increased to 30 minutes. The service would travel via the A41 / Aston Clinton Road roundabout, along the ELR(S), enter the Aylesbury Woodlands Development via the Northern Woodlands Access Roundabout and continue through the site towards College Road North where it would undertake a U-turn at the College Road North / Site Access Roundabout. It would travel back along the same route. Financial support would be provided for the services for a further two years. After this period it is anticipated that the service will be self-financing and no longer reliant on subsidy support.

5.174 It is proposed that four early services and four evening services would continue from the bus station to serve Stoke Mandeville Railway Station to provide for commuters wishing to travel in and out of London.

5.175 A financial contribution would be provided to the Council towards the provision of public transport services. The phasing of these payments will need to be agreed with the Council and set out in a Section 106 Agreement.

5.176 In addition the following infrastructure and contributions to bus services are proposed:

- Eight bus shelters will be provided with Real Time Information
- The provision of on-site signage to these bus shelters will be provided.
- A financial contribution will be made towards the implementation of the measures proposed in the Aylesbury Transport Hub and secured through the S106 agreement. Flexibility is built into the S106 Agreement to allow the strategy to be revisited in conjunction with Hampden Fields and this could include the provision of Demand Response Transport services as an alternative to the traditional fixed bus service.

### *Traffic Calming*

5.177 As part of the strategic modelling iterations undertaken for the Woodlands development, interventions to the link speeds within Zone 1 in Aston Clinton (Aylesbury Road between Weston Road and A41) were included to reflect traffic calming in the area. A similar exercise was carried out for Main Street through Weston Turville to reflect the traffic calming aspirations of Weston Turville Parish Council. The purpose of this strategic model intervention is to reduce the attractiveness of these routes to through traffic. In order to ensure that this reduced link speed assumptions occur, the Woodlands development team set out their commitment to the implementation of a traffic calming scheme in these areas in the Addendum Transport Assessment dated March 2017. The traffic calming scheme preliminary design is similar to the scheme proposed by the applicant of the Hampden Fields application, and the Weston Turville Parish Council have been consulted on this scheme. The traffic calming scheme can be secured by way of s106 agreement, in the event planning permission is granted.

5.178 With regards to the Aston Clinton traffic calming scheme, the applicant is committed to implement the proposed traffic calming scheme on Aylesbury Road on the approach to Aston Clinton. The Parish Council would like to see the developer's commitment to traffic calming in the village extended beyond Zone 1 in Aston Clinton. Whilst the direct need for additional traffic calming commitments as a result of the development traffic impact is not significantly evidenced, the applicant has expressed a willingness to commit to funding further traffic calming measures in consultation with BCC and the Parish Council to agree the type and location of traffic calming features nearer the time at the detailed design stage. This is a matter secured through a S106 agreement.

### Overall highway conclusion:

5.179 Overall Highways consider that the development proposal is acceptable subject to appropriate mitigation and conditions. The finer grained ATM, assured and approved by DfT, which has been used to test the traffic implications of the development and its infrastructure individually and cumulatively supports the conclusions of the CSTM

that the allocations, together with the transport strategy to support it, are acceptable and indeed bring about benefits to the highway network.

5.180 As stated above, the Highway Authority is satisfied that the development will not have a severe cumulative residual impact on the safety and convenience of the highway network and as such, whilst it is recognised there would be some adverse impact from the development, with appropriate mitigation the harm would not only be addressed but create some betterment on a standalone and cumulative basis - significant weight is attached to this benefit. The provision of the Eastern Link Road (SLR) at Woodlands is a fundamental part of the long-term vision to deliver a partial orbital route around Aylesbury and in addition the development would make financial contributions towards the SEALR and deliver major strategic benefits to the town highway network in accordance with VALP policy D1, D-AGT3 in particular criteria b, d and g, T1, T3, T5 and policies T1 and T2 in the ACNP and T1, T2 and T3 in the WTNP, and emerging BBKNP policy F2.

### **Landscape and visual Impact**

VALP: D1 (Delivering Aylesbury Garden Town), D-AGT3 (Aylesbury north of A41)

BE2 (Design of new development), NE3 (The Chilterns AONB and setting), NE4 (Landscape character and locally important landscape) NE8 (Trees, hedgerows and woodlands)

ACNP: HQD1 (High quality design)

WTNP: H2 (Development Design in the Neighbourhood Area), C3 (Public rights of way)

Emerging BBKNP: G2 (Protection of key views and vistas).

5.181 VALP Policy D1 seeks to create distinctive, inclusive sustainable, high quality, successful new communities which support and enhance existing communities within the town and neighbouring villages with the highest quality, planning, design and management of the built and public realm, to ensure development within the Garden Town is distinctive, creates a local identity, enhances local assets and establishes environments that promote health, happiness and well-being. Policy D-AGT3 which allocates this site for development seeks to retain existing landscape features, and rights of way and seeks a landscape led approach including consideration of long distance views of the AONB and responds positively to the best characteristics of the surrounding area. Policy BE2 of VALP focuses on local distinctiveness, and developments are required to be appropriate to its contexts; and individual identify that either complements or forms an attractive contrasts with its surrounding is encouraged. Policy NE3 seeks to conserve and enhance the special qualities and distinctive character, tranquillity and remoteness of the AONB and its setting. Policy NE4 of the VALP seeks to ensure that the scheme respect the local context and landscape character of the area.

5.182 ACNP policy HQD1 and WTNP policy H2 are consistent with VALP and seek to reflect the local character, scale, distinctive local landscape features and that it retains and enhances natural boundaries, including hedgerow and water courses, which contribute to visual amenity or are important for their ecological value.



5.183 The NPPF at paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside.

#### Landscape character

5.184 The site covers an extensive area of greenfield land within open countryside to the east of Aylesbury and has physical boundaries to the north in the form of the GUC, to the south by the A41 Aston Clinton Road and the A41 bypass and to the east by College Road North and the commercial buildings identified along that road including Arla dairy. The site falls within the Southern Clay Vale Landscape Character Zone as identified in the Landscape Plan for Buckinghamshire owing to its key features as described above as well as the views of the Chiltern Escarpment forming a dominant feature. At a more detailed level, the site is situated within the Southern Vale Landscape Character Area (LCA 8.10) in Sub-Area B: Aston Clinton Fields, which is listed in the ES as being of medium sensitivity. The site is adjacent to the Hulcott Fields and Broughton Fields LCAs to the north and west.

5.185 Although there is limited visibility of the site within the low, flat vale, it is visible from some of the higher ground within the Chilterns Hills Area of Outstanding Natural Beauty (AONB) and forms part of a landscape with a predominantly rural character. Conversely the AONB is visible from the site. The ES notes the AONB as being of a very high sensitivity.

5.186 The site is comprised primarily of large arable fields, bounded by species-rich hedgerows and associated field drainage ditches. There is a small area of planted broad-leaved woodland towards the south of the site and fields in the north-west and south-east of the site comprise pasture grassland, most of which is species-poor or semi-improved grassland. The field boundaries and margins contain mature and semi-mature trees including numerous nationally important native black poplar, especially in the north-western portion of the site.

5.187 The Environmental Statement includes a chapter containing a Landscape and Visual Impact Assessment (LVIA) and this has been updated through the submission of an ES Addendum. The updated ES Addendum LVIA takes on board comments from the Councils Landscape Officer on the scope of the LVIA and assesses the potential landscape and visual effects of the proposed development before and after mitigation measures.

5.188 The landscape approach seeks to retain and enhance valuable landscape elements including:

- Protection of, and buffers to, natural watercourse, minimise hedgerow removal to create positive, visual and physical relationship between the site and canal;
- Retention and protection of valued, mature black poplars, woodland and a small number of important hedgerows
- Significant new woodland and tree planting, and new mixed native hedgerows;

- Significant areas of dry grassland and wet grassland
- Creation of new linear, multifunctional green routes through the development and connecting off site green infrastructure
- New multi functional and accessible green spaces, except where reserved solely for wildlife.

5.189 It is noted that further changes were made to the proposed development which necessitated a review of the ES (March 2016) LVIA as follows:

- Addition of off-site mitigation woodland planting at College Farm to the east of the proposed development as part of Phase 1c landscaping( to be secured in the s106 agreement);
- Revised maximum heights in the parameter plans showing a revised height in the south eastern corner, limiting the height of the commercial units in the southernmost 56m contour of the development area to 15m.
- Revision to ES to include Parameter Plan 6 (Phasing Plan) detailing the specifics of Phase 1 of the development;

5.190 The ES and the updated addendum assesses the visibility and views and through a Zone of Theoretical Visibility exercise to establish the potential visual envelope, has identified a number of viewpoints ranging from localised views adjacent to the site to long range views up to 5k from the site.

5.191 It is noted that due to the relatively flat topography and existing mature roadside and field boundary vegetation, views into the site interior are generally limited to its close proximities whilst open views into the site are generally limited to more distant views from elevated land to the north, south and south-east.

5.192 The LVIA/ES considers the impacts on the following landscape and visual receptors (a comprehensive schedule of receptors is identified in the ES and ES Addendum), which are notable, due to their proximity to and relationship with the site in landscape terms;

Southern Vale Landscape Character Area (LCA 8.10)  
 Aston Clinton Fields Landscape Sub Character Area  
 AONB Setting (Chiltern Hills)  
 Distant and Local Views; and  
 Aston Clinton Road, New Road, Broughton, Upper Icknield Way  
 Residential receptors

5.193 The ES addendum concludes that Moderate and Major/Moderate adverse cumulative landscape character impacts would occur as a result of the development with Aylesbury Environs and Aston Clinton, given the high magnitude of change on the Southern Vale LCAs, and significant adverse impacts are anticipated due to the fundamental change to the baseline open character of the open countryside becoming a predominantly suburban area. In essence, the urban edge of Aylesbury will extend 1.5-5km east and this will have a permanent and major adverse effect which is significant in ES terms. In terms of the landscape character of the AONB this

affect would be moderate/ minor adverse effect which would be significant, temporary in year 1, and not significant in year 15.

5.194 As part of the VALP process the background evidence included a strategic landscape and visual capacity study which recognised that there are limited sensitivities associated with the site, with potential to develop most of the site without significant impact with a green buffer along the northern boundary parallel with the canal to limit views from the canal. The process and adoption of the Local Plan has confirmed the principle of new development on this site

## Visual effects

### *Impact on Local and Distant Views*

5.195 The LVIA concludes for the standalone development and cumulative developments, that there would be significant landscape and visual impacts arising from the development(s) and moderate cumulative adverse changes on views obtained from the AONB. The latest ES addendum (2020) updates the baseline context and states that the assessment of landscape and visual effects, including other cumulative developments within the Aylesbury south environs, has identified no new or different likely significant effects to those in the 2016 ES or 2-17 ES Addendum, the mitigation measures have been considered as part of the design strategy and there are no new or different mitigation measures identified. The overall conclusions of the Landscape and Visual Impact Assessment remain unaltered from the previously assessed effects.

5.196 The LVIA assesses the proposed impact on local views. The local views are taken from local footways approaching and surrounding the site, and from the roadside of the A41, College Road North and Aston Clinton Road.

5.197 Footpaths: The LVIA confirms that the only promoted Public Right of Way (PRoW) that would experience a significant effect during the operational phase (and including construction phases) is the southern canal towpath of the Aylesbury Arm of the Grand Union Canal (on the route of the proposed ELR where it crosses the canal). Although views southwards into the Site are heavily filtered or screened by the containing towpath vegetation, this route currently enjoys open views northwards across open countryside. The receptors here would have a high sensitivity to change and the proposed bridge embankment and abutments would contain views of the open countryside for a distance along the route, the proposed development would result in a very high magnitude of change that would continue beyond construction into the operational phase. The effect would be a permanent and major adverse effect which would be significant.

5.198 The single footpath within the site (ACL/1/1- ACL/1/2) has a medium sensitivity to change but would experience a very high magnitude of change as the open agrarian landscape would be curtailed and changed by the presence of commercial/business units (at the eastern side of the site). This would result in permanent major/moderate adverse effects which would be significant, due to the fundamental nature of the change. This same footpath crosses the Aston Clinton Bypass and runs southwards towards Aston Clinton becoming PRoW ACL/1/4. Despite the intervening road embankment, the newly constructed commercial/business units would be

visible over the roadside vegetation which would cause a medium magnitude of change resulting in a medium term moderate adverse effect which would be significant until the roadside vegetation had matured to a height that would filter views of the units at some point before year 15.

- 5.199 Users of footpath BWB/11/1 that runs to the west of the Site past Broughton Village would have a high sensitivity to change. Viewers of the Site would experience a medium magnitude of change due to the construction of the ELR(S) embankment and associated loss of some mature black poplar. Users of bridleway ACL/2/1 have a high sensitivity to change and would experience a medium magnitude of change, due to the notable addition of built elements (particularly the ELR and its bridge over the canal). The effects on receptors would be moderate and adverse which would be significant until such time as the proposed tree planting had assimilated the built elements into the landscape, that is not significant, by Year 15.
- 5.200 Roads: No receptors using major roads would experience a significant adverse effect, but receptors on one minor road (College Road North) - who have a medium sensitivity to change and would experience a permanent moderate adverse effect which would be significant, due to the fundamental change in character of the view from this elevated location on the canal bridge.
- 5.201 In terms of the cumulative impact the ES and addendum recognise that significant combined visual effects are anticipated on views from the AONB (moderate and adverse effects) where the cumulative developments would increase the magnitude of change from the identified photo-viewpoints; and the Round Aylesbury Walk (major/moderate effect) where the magnitude of change will also increase to medium (after year 15 with mitigation). The ES has also considered the effect on sequential views from the Aylesbury Arm of the Grand Union Canal and towpath which are reported to be major (in combination with the other 'Aylesbury Environs – East' developments). It is considered that the development would result in a major adverse cumulative impact, in landscape terms, given the baseline condition and the transformation of the rural landscape character of the site, from open countryside to a more urbanised setting. Whilst it may be possible to mitigate to some extent the impacts on the canalside through careful design and a landscape led approach with sensitive landscaping which would become assimilated into the landscape over time, the effects would still be significant. The landscape officer agrees with the conclusions in the ES and addendum and advises that the development is concluded to result in some 'harm' which is 'significant' in terms of the loss of open countryside.

*Impact on the Chiltern Hills AONB:*

- 5.202 The Chilterns Area of Outstanding Natural Beauty (AONB) rises abruptly from the foothills of the Chilterns approximately 3km from the eastern boundary of the site. One of the special qualities of the Chilterns AONB is that the main ridge of the escarpment provides long views across the lower lying vales to the north and west towards the application site and the town, with its high rise County Hall (61 metres high) and peripheral industrial sheds which are prominent components of views from the Chiltern Hills.

5.203 The ES and addendum identifies that receptors on the Upper Icknield Way would be of high sensitivity and would experience a medium magnitude of change. Although receptors at Coombe Hill viewpoint have a very high sensitivity, due to the greater distance of the construction activity from this receptor (over 5k), the ES and addendum concludes that the magnitude of change would be low. The receptors at the two representative viewpoints from within the AONB would both experience a permanent moderate/ minor adverse effect which would be significant, temporary in year 1 and not significant in year 15, according to the ES and addendum.

5.204 The Chiltern Conservation Board recognises that the proposed development is likely to have a significant effect on the setting of the AONB, but will reduce with time. Furthermore, the CCB, notes that there would be no notable change to the special quality of panoramic views across the southern vale and the views out of the AONB need to be mitigated by avoiding continuous linear developments. Natural England is satisfied that the mitigation measures proposed in the Landscape Phasing Strategy edp2524/89b will protect the landscape character of the area and views from the Chilterns Area of Outstanding Natural Beauty. Officers have taken into account the cumulative impacts on views from the AONB of the development which has been considered in the LVIA submitted with the ES and addendum, in order to consider the impact on landscape character and setting of the AONB and visual effects. The proposed development at Woodlands would be seen in the backdrop of both major strategic urban extensions, with the baseline becoming more settled over time. It is anticipated that the magnitude will reduce from medium to low between years 1 and 15 as the baseline becomes more settled. There would be an increased amount of development (including the Hampden Fields, Woodlands, SEALR, Aylesbury South and South West developments) as well as that existing or committed at Arla and Kingsbrook with the edge of the town expanding, and this is anticipated to have a greater urbanising effect on views from the AONB. However, in light of the nature of the change, it is considered the cumulative impact on landscape character of the setting of the AONB and visual effects on receptors would be significant and the change moderate adverse in year 1 which would be reduced to a non significant level by year 15. The cumulative impacts are therefore not considered to increase the significance of the adverse effects.

*Residential receptors:*

5.205 Residents of the properties at the following locations (groups or individual dwellings) have been assessed (during construction and when the proposed development is operational), as being the nearest/most sensitive receptors which could be affected by the proposals;

- Red House, College Farm Road North;
- College Farm;
- Aston Clinton Road;
- Richmond Road;
- Normill Terrace;
- New Road;
- Broughton Lane;
- Bierton and Burcott;
- Upper Icknield Way;

- Weston Mead Farm;
- Oak Farm;
- Merrymead Farm;
- Manor Farm/Old Manor Farm;

5.206 The ES and addendum identifies that there are seven individual dwellings or groups of dwellings whose occupants would experience significant effects during year 1 of operation. However, due to the maturation of structural landscape elements, only receptors at College Farm, Old Manor Farm and Upper Icknield Way would experience a significant change (major/moderate or moderate adverse) from the baseline condition at year 15. The ES notes that receptors at College Farm would experience the largest effect, being the closest dwelling which is surrounded by built development during operation and this would be a major adverse effect in year 1 of operation which would be significant. The maturing boundary planting (to be secured in the s106 agreement as shown on the revised parameter plans) would soften or even screen the development, however this would only reduce the magnitude of change from the baseline condition to medium by year 15, which is still a major/moderate adverse and significant effect.

5.207 One other relatively proximal receptor group – occupiers of Manor Farm/Old Manor Farm which is (approx.) 400m from the western boundary and 700m from the proposed ELR – would experience a major/moderate adverse and significant effect in year 1. Manor Farm and Old Manor Farm are located in Broughton to the west of the Woodlands site and receptors there would experience views of the western areas of the development which are to comprise open space provision, the sports village and the ELR(S) embankment. At year 1, the impacts are likely to be more pronounced and the road embankment is anticipated to dominate the medium range views of the site before the landscape mitigation has been implemented. At year 15, the structural planting along the ELR(S) would assimilate any street furniture and the embankment into the general field boundary layout. Although, the canal bridge would still be visible, this would be a small enough component of available views to reduce the magnitude of change to low but this would still result in a permanent moderate adverse effect, which would be significant.

5.208 The more distant dwellings along Upper Icknield Way are located approximately 2.5k from the closest part of the site (the south eastern corner). Due to their more elevated and panoramic outlook receptors there would experience a medium magnitude of change in year 1 resulting in a major/moderate adverse effect which would be significant. The structural planting would have attained a height of 8-9 m by year 15 and would have matured enough to soften the ELR(S) embankment, visually break up blocks of new development and to 'root' the B8 units into the landscape. This view would remain fundamentally an open view across the settled vale with no new skyline and no considerable vertical elements to draw the eye. For these reasons, the magnitude of change would reduce to low, but this would still be a permanent moderate adverse effect which would be significant.

5.209 Receptors at four other residential groups would experience a moderate adverse effect in year 1 which would be significant. Receptors at dwellings on Aston Clinton

Road would have views towards the extensive planted woodland beyond which would be the open space and sports facilities separated by the elevated ELR and planting from the main built form the commercial and residential elements of the development. Those properties towards the eastern most edge of this group along Aston Clinton Road would have closer views towards the southernmost section of the ELR. These would experience moderate adverse temporary and significant effects in year 1 which with mitigation would be reduced to minor adverse and not significant by year 15. The dwellings on Richmond Road; dwellings on Broughton Lane; and Oak Farm would be further distanced. It is anticipated views from these properties may have limited views (looking northeast and east ) towards the raised ELR(S) which passes through the western part of the site. However, these receptors would experience a lower magnitude of change and a permanent, albeit not significant, effect by year 15 as a result of maturing structural landscape planting and green infrastructure at the south and western parts of the site. It is anticipated that the proposed planting would help screen the built-elements of the development, thereby minimising its visual impact on the adjacent properties.

5.210 In terms of the cumulative effect these effects remain the same.

#### Coalescence and settlement identity

5.211 The proposed development would inevitably result in the growth of Aylesbury's urban area and coalescence with the adjacent Arla industrial site complex, particularly the proposed B8 development in the south-east of the site which will reduce the existing gap between Aylesbury and Aston Clinton and change in the form and character of the area, having regard to both the stand alone and cumulative effects with other allocations and commitments at Aylesbury Garden Town. Whilst it is acknowledged that there would be a degree of coalescence as a result of reducing the gap between Aylesbury and Aston Clinton. the process and adoption of the Local Plan has confirmed the principle of new development on this site and thus accepts the principle of the development in reducing this gap. With regards to Broughton there would be separation by open fields, open space and the ELR from the main developed area of the site with landscaping and planting to provide adequate separation and avoid coalescence. The illustrative masterplan seeks to provide for extensive landscape buffers and open space to ensure the individual identity of Broughton and Aston Clinton is being respected, and the separation of the built areas would provide a clear distinction between the development Broughton and Aston Clinton. It is considered that the provision of significant buffer zones between Arla and Woodlands will, over time, ensure the development assimilates with the setting which will primarily have the appearance and character of an employment-led complex envisaged as the Enterprise Zone.

5.212 In summary, it is considered that the proposals would result in a degree of coalescence between the development and Aston Clinton, however given the separation by the A41, and the landscape led approach the separate identity and sense of place of Aston Clinton, Broughton and the existing urban edge would be maintained.

- 5.213 In addition, the introduction of lighting associated with the development against a current baseline of a dark area of open countryside, would represent a fundamental change to the night-time landscape character which would also have an adverse impact. The nature of these impacts (at night-time) are such that they would not be mitigated and would not reduce the magnitude.
- 5.214 Overall landscape conclusion: The development of this site would inevitably change the character of the site and Southern Vale Character Area within which it lies through the loss of open countryside, and a degree of coalescence between the development and Aston Clinton limited to the local area. It would have a residual major moderate adverse effect on the site and moderate effect on the landscape character area in year 1 which would be reduced to a moderate significant by year 15 and with the mitigation proposed in illustrative masterplan, coupled with the new green infrastructure proposed, the impacts could reduce over time. The proposal would retain and enhance natural boundaries, including hedgerow and water courses, which contribute to visual amenity and reduce the visual effects from receptors over time which would be not significant in ES terms. In addition, the proposal is landscape led, has taken into consideration the distinctive local landscape features and seeks through mitigation measures to minimise the impact on the open countryside and visual effects of the development. The proposal with the proposed mitigation would not have a significant effect on the character, setting and visual effects on receptors of the AONB. The proposal would accord with VALP policies D1, D-AGT3, NE3, NE4 and NE8, ACNP policy HQD1 and WTNP Policy H2, and emerging BBKNP policy G2.

#### Agricultural land

- 5.215 The NPPF in paragraph 174 states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land (i.e. Grades 1, 2 and 3a in the Agricultural Land Classification (ACL)). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land (i.e. Grades 3b, 4 and 5) in preference to that of higher quality. Through the local plan process and supporting evidence base, VALP policies D1 and D-AGT3 accepts the principle of development on this site and the loss of BMV land. Policy NE7 of the VALP states that subject to the development allocations set out in the VALP, the council will seek to protect the best and most versatile farmland for the longer term.
- 5.216 The site consists of two subgrades (3a and 3b) of agricultural land and an area of woodland which is classified as 'non-agricultural'. The non-agricultural land comprises 6.3 ha of woodland near the A41, approximately 3.2% of the total site area. The remaining 96.8% is agricultural land, including three farm businesses.



- College Farm owns approximately 171.5 ha of land within the site which is used for arable production;
- Manor Farm occupies approximately 5.5ha of land at the north-west of the site, comprising of two small fields (one to the north of the GUC) and part of a third field which are used for silage, hay production and grazing;
- Approximately 18.6 ha at the south of the site, adjacent to the A41, are used by a local dairy farm business for use as grazing and silage.

5.217 The ES and addendum assesses the potential effects of the proposed development during construction and operation in terms of agriculture and soils. To establish a baseline, the assessment includes an Agricultural Land Classification Study which assesses the site area of approximately 200 hectares including 189.5 ha of agricultural land. The surveys of the site has determined that the majority of the site, comprising 135.1ha is subgrade 3b (67.5% of the site) and 54.4ha is subgrade 3a (27.2% of the site). The site therefore contains 54.4 ha of BMV agricultural land and 135.1ha of non-BMV land. A small area of woodland to the south of the site is classified as non-agricultural land and stretches of highway land and canal are classified as urban.

5.218 Three farm businesses operate within the site area. College Farm will lose 171. ha farm land currently in arable production during construction. The farm business will retain buildings and dwellings at College Farm but the farm will be significantly affected by the development proposal, thus the impact will lead to a high magnitude on a receptor of medium sensitivity, resulting in a moderate adverse effect on their business. In respect of the other 2 businesses, these occupy small areas of land within the site and the ES considers that the impact upon these will not be significant of low magnitude resulting in a minor adverse significance.

5.219 The effect upon agricultural land and the effect on the loss of the land on farm businesses will remain the same during the operational phase and construction phase, having permanent effects. Cumulatively, the development of BMV land alongside other developments committed locally will be high.

5.220 In summary, the site comprises of 54.4 of BMV of a total of 2004 ha of agricultural ) land. This falls above the threshold of 20ha set by Natural England. The impact on BMV agricultural land as a result of irreversible development was considered and accepted through the local plan process . Natural England has been consulted on the proposal and has had regard to the loss of BMV land and notes that conditions should be sought around the proposed off-site mitigation as outlined in the Aylesbury Woodlands ES Addendum Appendix G.4 Biodiversity Strategy V4. Through the local plan process and supporting evidence base, VALP policies D1 and D-AGT3 accepts the principle of development on this site and the loss of BMV land. It is considered that the development would accord with VALP policy and with the aims of the NPPF in this regard.

### **Trees and Hedgerows**

VALP: D-AGT3 (Aylesbury north of A41), NE8 (Trees, hedgerows and woodlands)

ACNP: HQD1 (High quality design)

WTNP: H2 (Development Design in the Neighbourhood Area).

- 5.221 VALP policy D-AGT3 (criteria d) requires that existing vegetation should be retained where practicable, including existing woodlands and hedgerows. NE8 seeks to protect existing trees and hedgerows, including black poplars and loss of ancient woodland or ancient trees will be refused unless exceptional circumstances can be demonstrated. Policy HQD1 of the ACNP seeks landscaping schemes for housing to include trees, hedgerows and private amenity space. Policy H2 of the WTNP amongst other things states that development will be supported provided the landscape design reflects the character and scale of distinctive local landscape features and retains and enhances natural boundaries, including hedgerow and water courses, which contribute to visual amenity or are important for their ecological value. The NPPF also states that planning permission should be refused for development resulting in the loss of veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 5.222 No tree preservation orders are registered against the site, nor does it lie within a designated conservation area. The site contains black poplar trees recorded adjacent to drainage ditches and watercourses and the report recognises the importance of this native species. The Arboricultural Assessment recognises that these items require sensitive management to ensure their safe, long-term retention on this site. .
- 5.223 The survey recorded a total of 165 individual trees and 24 groups of trees, and 66 hedgerows. This includes 4 category 'A' trees/woodlands (high value), 113 category 'B' trees/groups (moderate), 126 category 'C' trees/groups (low quality and value).
- 5.224 The Arboricultural Impact Assessment (AIA) identifies that two individual black poplar trees (T56 and T100) and one group item comprising black poplars (G183), require removal to facilitate the development. The AIA identifies that three individual black poplar trees (T56, T100 and T185) and one group item comprising black poplars (G183), need to be removed to facilitate the new road layout and block pattern. The removal of G183, a category A group and T185, a category B tree (and 6 x category C hedgerows of low value) are required to facilitate delivery of the Eastern Link Road South (ELR (S)). The applicant contends that the most appropriate alignment of the ELR (S) has been agreed with the relevant highway stakeholders which minimises tree/hedgerow loss where possible.
- 5.225 The AIA has determined that 13 remaining items require removal to facilitate the proposed ELR(S). Three items (3 x tree groups) are defined as category B and ten items (9 x hedgerows and 1 x tree group) are defined as category C. The AIA has determined that 33 remaining items require removal to facilitate the proposed development. One item (Black Poplar) is category A, ten items (1 x tree group and 9 x trees) are defined as category B and 22 items (13 x hedgerows and 9 x trees) are defined as category C. The AIA identifies that 177 of the surveyed trees and hedgerow items would be unaffected by the proposals and would therefore require an appropriate level of protection during construction which could be conditioned.

- 5.226 All proposed tree removals will require sound arboricultural management (which could be conditioned) in order to comply with Policy D-AGT3 and NE8 of VALP and are to ensure the longevity of this species in this area. The applicant has agreed to off-set the removals with new planting of black poplar trees to ensure succession of this species in this area. Other species proposed throughout the development should be native species that seek to enhance the development and the surroundings.
- 5.227 Overall, the proposals will result in the loss of 46 items and partial loss of 20 items. However, it is acknowledged that those losses and partial losses could be compensated for by the proposed planting as indicated on the Green Infrastructure Masterplan, to enable compliance with policies D-AGT3 and NE8 of VALP, alongside following benefits:
- New hedgerows running the length of the ELR (S);
  - Substantial increase in the young tree stock throughout the development;
  - New community orchard;
  - Improved species diversity across the site and increased overall diversity in the wider area, thus contributing to an enhancement of biodiversity of the tree population; and
  - Replacement planting of native black poplars to ensure succession to the existing tree stock into the future.
- 5.228 The Tree officer raises some concern over the age of the tree survey, the level of detail on replacement and new planting and draws attention to the potential for veteran trees. There are two black poplars and one ash tree that are highlighted as potential veteran trees, these lie within the proposed open space areas, and therefore could be retained. The applicant states that all efforts have been made to retain as many trees on-site as possible, including the retained Woodland area at the south of the site. Adverse effects on the retained trees are not expected and can be addressed at the detailed design stage and controlled via conditions that require adherence with tree protection measures implemented during the construction phases. Future reserved matters will need to be more specific but can be appropriately conditioned, and such conditions could be imposed to include the requirements for further detailed arboricultural submissions, tree protection plan and robust planting scheme.
- 5.229 New structure and off-site tree and hedgerow planting is indicated on the Land Use Parameters Plan alongside the Illustrative Masterplan that would form a part of the future detailed schemes to be considered at the reserved matter stage. The existing Woodland area on the southern part of the site north east of the A41 roundabout is proposed to be safeguarded and is shown on the parameters plan and masterplan.
- 5.230 On the basis of the detail submitted, it is considered that a scheme could be designed to pay adequate regard to the landscaping of the site and subject to completion of a Tree Protection Plan and Arboricultural Method Statement such that the development would accord with policies D-AGT3 and NE8 of the VALP, ACNP policy HQD1, WTNP policy H2 and with the NPPF.

## Ecology

VALP: D1 (Delivering Aylesbury Garden Town), D-AGT3 (Aylesbury north of A41), NE1 (Biodiversity and geodiversity), NE2 (River and Stream corridors), NE8 (Trees, hedgerows and woodlands)

ACNP: EN1 (Environment – Development impact on biodiversity), EN2 (Environment – Protecting biodiversity loss)

WTNP: H2 (Development Design in the Neighbourhood Area) and E3 (Biodiversity)

5.231 VALP policy D-AGT3 criteria d, e, q, s, requires existing vegetation and landscape features to be retained where practicable, as well as existing woodlands and hedgerows. Proposals must retain and enhance existing habitats where practicable including the creation of linkages with surrounding wildlife assets. This includes landscape buffers to Broughton, Eastern Link Road and ecological mitigation supporting Kingsbrook and appropriate ecological mitigation. It is expected that provision and management of 50% of green infrastructure should link to other new development areas and the wider countryside. Policy NE1 states that planning conditions/obligations will be used to ensure net gains in biodiversity by helping to deliver the Buckinghamshire and Milton Keynes Biodiversity Action Plan targets in the biodiversity opportunity areas. A monitoring and management plan will be required for biodiversity features on site to ensure their long-term suitable management (secured through planning condition or Section 106 agreement). This is consistent with paragraphs 17-20 of the NPPF.

5.232 Policies EN1 and EN2 of the ACNP and Policies H2 and E3 of the WTNP are consistent with VALP and seek biodiversity net gain, as well as seeking to conserve and enhance biodiversity and wildlife.

5.233 The applicant has submitted an updated Environment Statement which sets out a number of mitigation and enhancement measures which could be incorporated into the scheme to provide a Biodiversity Net Gain (BNG). The updated Biodiversity Impact Assessment (BIA) demonstrates a minimum net gain of 15% largely achieved through the creation of extensive areas of new habitats (including lowland meadows, woodlands, scrub, orchard, reedbed and standing water) could be achieved. The updated ES shows that there are no material changes or habitats on site from the original full ecological surveys carried out in 2016. The only material alteration from the 2016 baseline is an altered Traffic modelling assessment and a change in impacts as a result of air quality issues. The Ecology officer has stated that 'the mitigation measures detailed in the 2016 ES are still considered appropriate and proportionate to the impacts'. The measures to be delivered in a Landscape Ecological Management Plan will be secured with planning conditions.

5.234 The ES Chapter 13 confirms that a range of field surveys were carried out to accurately gauge what species and habitats are present on the site. The ES details the species and habitats currently found on the proposed development site as a number of surveys were carried out (badger, bats, reptiles, great crested newts, water voles and birds etc). In addition, hedgerow assessments, Vegetation Classifications and ground level inspections of all trees and canal bridges/structures with bat/bird roosting potential have been carried out and are referred to in the ES.

- 5.235 There are three main badger setts close to the site which utilise the pasture, woodland and grassland habitats on the site for foraging. Bat activity surveys recorded at least eleven species of bat commuting and/ or foraging within and adjacent to the site. The dark, insect- rich corridor of the Grand Union Canal (GUC) is of regional importance for commuting and foraging bats and the Bear Brook, lines of trees and other features within and bordering the site are of county importance.
- 5.236 The GUC, Bear Brook and surrounding hedgerows and trees are key nesting habitats for breeding birds. The north-western part of the site supports a greater abundance and variety of breeding birds compared to the arable areas. However, the latter supports several farmland species of high or medium conservation concern including skylark. Wintering bird surveys recorded 58 bird species including high numbers of overwintering golden plover and lapwing; both are high priority species and are valued at a county level. There are no ponds present within the site boundary, but great crested newts were recorded in ten ponds within 500 m of the site boundary, in three distinct meta-populations; one to the north-west of the site; a second in Broughton, to the west of the site; and a third to the south of the A41.
- 5.237 Breeding bird surveys identified 56 bird species on the site or near the site boundary including three species (common tern, kingfisher and red kite) that are European Protected Species (EC Directive Annex 1) and three species (barn owl, kingfisher and red kite) on the national list of protected species (Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)).
- 5.238 The Council's Ecology officer confirms that the applicant has submitted a very thorough and comprehensive series of ecological assessments investigating the impacts on species and habitats which are considered to be an accurate account of the species and habitats present on site. These reports detail the myriad of impacts the development will have on the identified species and habitats. The Biodiversity Strategy by Swift Ecology brings all the species and habitat reports together and discusses the impacts, mitigation, compensation and enhancement measures required under NPPF.
- 5.239 The updated Aylesbury Woodlands Biodiversity Strategy identifies a definitive set of measures that would deliver the net biodiversity gains relied on in the ES, including the measures to be incorporated into the off-site enhancement scheme (the details of which can be secured as part of a s106 off-setting compensation obligation). It is recommended that the revised strategy forms the basis for a planning condition that provides the mechanism for ensuring net biodiversity gains are delivered throughout the development. The Council's Biodiversity Officer advises that this approach is acceptable .
- 5.240 Natural England have no objection on the basis that the strategy provides sufficient measures which can/will be implemented to ensure net biodiversity gains.
- 5.241 The above assessment takes into account the updated ES Addendum which considers the cumulative impacts of the development, on biodiversity, with other schemes

(including Hampden Fields), and the effects of the development when considering Phase 1 alone. In respect of the phase 1 only assessment, the ES Addendum reports that all such changes result in residual impacts which are less (in terms of magnitude and/or duration) than the implementation of the full project proposals. Therefore, the ES Addendum concludes that the changes are not deemed sufficiently different to warrant any changes in the approach to mitigation and compensation. The ES Addendum reports that there would be a major positive cumulative impact upon biodiversity, when considering the additional cumulative impacts of the Hampden Fields proposed development. Officers concur with this assessment and consider the biodiversity enhancements would ensure compliance with the VALP policy and NPPF and is recognised as a benefit.

5.242 Under Regulation 53(2) (e) of the Conservation of Habitats and Species Regulations 2010 (as amended), the applicant will need to acquire a mitigation licence as the development is anticipated to have impacts on European Protected Species, that would otherwise be illegal, such as: capturing, killing, disturbing or injuring them (on purpose or by not taking enough care) damaging or destroying their breeding or resting places (even accidentally), obstructing access to their resting or sheltering places (on purpose or by not taking enough care). With the requirement for the applicant to obtain an EPS Licence, the Local Planning Authority has to have regard to the three tests as set out in the Natural England Advice Note: European Protected Species and the Planning Process in respect of protected species, and in this respects bats. These three tests are:

- (i) Test 1: the consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
- (ii) Test 2: there must be “no satisfactory alternative”; and
- (iii) Test 3: the action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

5.243 With regard to the three tests above, the following is relevant:

- i. It is considered in the case of the Woodlands development that there is an overriding public interest in that there is a need to deliver substantial new employment generating jobs within the designated EZ with essential new strategic transport infrastructure that will create significant benefits, alongside the provision of additional housing within the Aylesbury vale area, which have been identified as matters that represent a significant positive benefit. Given the level of future growth envisaged for Aylesbury there is a need to release greenfield sites and the delivery of this VALP allocation. There will be social and economic benefits to the public and beneficial consequences to the environment and therefore the proposal meets the imperative reasons of overriding public interest.
- ii. The site has been assessed as being appropriate for a major employment and infrastructure led development including a substantial housing

component, where the limited adverse impacts are outweighed by the substantial benefits. This is a VALP allocation. There are no equivalent alternative sites available to deliver the proposed part of the Eastern Link Road which could be positioned in order to link up with the planned strategic route on adjoining sites. There are no other sites that could deliver this link road. The Natural England guidance recognises that there are always going to be alternatives to a proposal and, in terms of licensing decisions, it is for Natural England to determine that a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on the EPS and that a proportionate approach is adopted in considering the feasibility of alternative solutions relative to the degree of likely impact. There is a need to release sites to accommodate future growth at Aylesbury and the delivery of an VALP allocation, and vision for Aylesbury Garden Town. The report sets out the adverse effects of the proposed development and being a greenfield site these effects would also apply in the same way to the consideration of other sustainable urban extensions around the town, and weigh those against the benefits, including the mitigation, compensation and enhancement in ecological terms. Having regard to all of these factors it is considered that there are therefore no satisfactory alternative sites which would provide the same social and economic benefits to the public and beneficial consequences to the environment highlighted above, namely the new housing quantum, ELR and associated highways infrastructure improvements, employment and delivery of an enterprise zone, flood defences and mitigation, and open space/sports facilities to meet specific needs at Aylesbury. Mitigation and enhancement measures are proposed to the benefit of the European Protected Species.

- iii. The Council's Biodiversity Officer is satisfied that the mitigation measures proposed by the applicant will ensure the development is not detrimental to the protected species on and around the site and suitable roosting sites will be provided within the site and off-site as part of the enhancement scheme secured under the s106 and ensure net gain. Natural England has been consulted on the application and have not assessed impacts on protected species, instead refer to the standing advice, which has been followed.

5.244 The site is located within 5km of the Chiltern Beechwoods Special Area of Conservation (SAC) designated under the European Directive.

5.245 In this instance, a Habitats Regulations Assessment Report (HRA) undertaken by the Council as part of the VALP supporting documentation and updated (addendum) in November 2020 as part of the main and further main modifications, concludes that the proposed development would not result in significant effects on the Chiltern Beechwoods Special Area of Conservation (SAC) as a result of increasing traffic and related impact on air quality as well as increasing recreational pressure having regard to mitigation. Natural England agree with the conclusions including in the addendum within the Appropriate Assessment with regards to air quality and the updated data that there will be no adverse effect on the integrity of the SAC, either alone or in combinations.

- 5.246 The applicants have also undertaken an assessment, of the potential effects of the proposed development on the Chiltern Beechwoods SAC. The applicants ES and addendum in terms of air quality, concludes that the major share of air pollution at the SAC acting either as stand alone or in combination with other plan or project are either absent or make negligible contributions and are not significant and would not undermine the conservation objectives for the SAC and overall the site integrity would not be adversely affected. Natural England agree with these conclusions.
- 5.247 In terms of visitor pressure the ES addendum considers the potential for increasing recreational pressure and refers to the conclusions in the Hampden Fields HRA. The most recent HRA addendum to Hampden Fields recognises that a likely significant effect cannot be ruled out and therefore further scrutiny is required as part of an appropriate assessment on recreational pressures.
- 5.248 New evidence has been published by Dacorum Borough Council (March 2022) on the impacts of recreational and urban growth on Chilterns Beechwoods Special Area of Conservation. Natural England support the conclusions and recognises that new housing within 12.6km of the Chiltern Beechwood Special Area of Conservation can be expected to result in an increase in recreation pressure. There is also a 500m exclusion zone around the Ashridge Commons and Woods SSSI where any new residential unit or accommodation should be avoided. The application site lies within the 12.6km zone of influence and outside the 500m exclusion zone.
- 5.249 The applicants have provided an update in response to this evidence which confirms that the previous ES conclusions (as outlined above) are unchanged by this evidence. Over half of the Woodlands site (116 ha or 58%) is proposed as open space, 74.2ha being informal open space lending itself to the creation of natural green space. The applicants have confirmed that the proposed open space has the ability to conform with the Natural England guidelines for Suitable Alternative Natural Greenspace (SANG), a matter which could be secured through condition.
- 5.250 An Appropriate Assessment has been undertaken by the Council as the competent authority, which takes into account the new evidence produced by Dacorum BC. The assessment concludes that the impact avoidance and mitigation measures in the form of the public open space design and accessibility would be successful in addressing any net increase in visitor numbers and recreational pressure on the Chiltern Beechwoods SAC and would not contribute towards any adverse effect in combination with other developments. A copy of the Habitats Regulations Appropriate Assessment can be found attached to the end of this report (see appendix J).
- 5.251 The mechanism for securing this mitigation is through a S106 legal agreement and conditions.
- 5.252 Natural England confirmed they are in agreement with the conclusions of the Appropriate Assessment that the application would not have any significant adverse



effects on the integrity of the Chilterns Beechwood SAC. Following the publication of the new March 2022 evidence NE confirm that any development before 14 March 2022 forms part of the baseline development, and that no further information is requested at this stage. NE point out that any reserved matters applications will need further consultation with NE and consideration of the impact on recreational pressure at that stage. It is therefore considered that with this commitment in place, the development will accord with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), as such no objections are raised.

5.253 Whilst the development would constitute a material change to the baseline character of the site, the development proposal offers opportunities to secure sufficient benefits to offset the adverse effects of the change. Whilst there is some potential for some harm as discussed above, having regard to the mitigation proposed and the ability to secure net gains, it is considered that subject to conditions, the application proposal accords with VALP policy D-AGT3 and NE1, ACNP, WTNP and the NPPF and would complement the local area and conserve existing natural and other features of value as far as possible.

5.254 The ES and addendum concludes that there would not be a significant effect on ecology. It would deliver a net gain which would be a benefit. Having regard to the above matters, it is considered that the development would accord with policy NE1 of the VALP and with the NPPF.

### **Environmental issues**

VALP: NE5(Pollution, air quality and contaminated land).

#### *Air Quality*

5.255 Policy NE5 of VALP requires development that may have an adverse impact on air quality will be required to prove through a submitted air quality impact assessment that the effect of the proposal would not exceed the National Air Quality Strategy Standards (as replaced) or the surrounding area would not be materially affected by existing and continuous poor air quality. The potentially polluting development will be required to assess their air quality impact with detailed air dispersion modelling and appropriate monitoring. Required mitigation will be secure through a planning condition or section 106 agreement.

5.256 The NPPF includes air quality as an issue to be evaluated when considering the need to conserve and enhance the natural environment and that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

5.257 The council has investigated air quality and to date has declared three Air Quality Management Areas (AQMAs) within the Aylesbury vale area due to exceedances of the annual mean NO<sub>2</sub> objective. The Tring Road AQMA is the closest to the site approximately 1.8 km to the west, the Stoke Road AQMA is the second closest to the site approximately 2.8 km south west and the Friarage Road AQMA which is located approximately 3.7 km west of the site.

- 5.258 With regards to the Phase 1 and Cumulative Impact Assessment, the ES reports concentrations of nitrogen dioxide (NO<sub>2</sub>) and dust (known as PM<sub>10</sub> and PM<sub>2.5</sub>) predicted for a number of worst-case locations representing existing properties on Aston Clinton Road adjacent to the road network, as well as future properties within other proposed developments likely to come forwards. In particular, pollutant concentrations resulting from the operation of the proposed development and the Hampden Fields development have been predicted in 2034.
- 5.259 The ES notes that predicted concentrations are below the relevant objectives at all of the existing receptor locations in 2022 (Phase 1 scenario) and 2034 with the proposed development in place. The ES predicts that air quality conditions within the Air Quality Management Area are likely to improve with the proposed development in place as a result of the redistribution of traffic to new road links once the proposed development is built.
- 5.260 Concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> have also been predicted for a number of proposed receptor locations within the Woodlands site. Predicted concentrations in 2022 and 2034 are well below the relevant air quality objectives. Hence, the site is considered to be suitable for residential development. The ES reports that increase in NO<sub>x</sub> concentrations and nitrogen and acid deposition is unlikely to have a significant effect on the integrity of local ecological receptors as the changes in concentrations and deposition are below thresholds of significance. The operational effects of the proposed development are judged (ES Addendum) to be not significant, which is the same as in the ES (March 2016).
- 5.261 It is noted that the construction works have the potential to create dust and during construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emission, and with these measures in place it is expected that any residual effects will not be significant. Mitigation measures can be used and secured by condition. The air quality impacts associated with the construction and operation of the proposed development have been assessed and it has been concluded that the operational impacts of increased traffic emissions arising from additional traffic on local roads will be negligible at all receptors and the impacts on overall air quality would be insignificant. The result of the assessment is the same as the assessment carried out in 2017, which the council's air quality officer agreed with. The amended ES addendum Air Quality assessment report identifies that there should be no significant effects on air quality arising from the construction of the development or arising from the completed development providing that the appropriate mitigation and enhancement measures detailed in the report are implemented.
- 5.262 On the basis of the assessment, and with the proposed mitigation (to be conditioned in respect of construction works) and imbedded design in place, the proposed development is in accordance with policies BE3 and NE5 of the VALP and with the NPPF.

## *Noise*

- 5.263 Policy NE5 of the emerging VALP requires significant noise generating development to minimise the impact of noise on occupiers of proposed buildings, neighbouring properties and the surrounding environment.
- 5.264 Paragraph 185 of the NPPF states that planning decisions should ensure new development is appropriate for its location and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development including through the use of conditions.
- 5.265 The Environmental Statement and Addendum identifies that noise and vibration impacts in relation to the scheme will occur during both construction and operation. During construction, the Noise Report in the ES identifies that nearby properties on the Aston Clinton Road and College Farm, College Road North (Red House) and users of the GUC Canal Towpath are anticipated to experience some adverse effects from traffic noise. The ES judges the noise to be temporary and intermittent in nature. The southern part of the proposed ELR (S) is also located approximately 60m from the closest existing residential properties (on Aston Clinton Road) which contain back gardens which will be exposed to the new conditions. Although it is reasonable to assume that occupiers will be aware of the new road to the rear of the properties when in the gardens, and the additional exposure to a new source of noise would be experienced, it is considered that the noise (from the traffic passing along the new road) will blend into the background without causing significant nuisance or spoiling the residents' reasonable enjoyment of their private gardens. In environmental terms, it is considered the proposals will not materially worsen the existing conditions at this location on the edge of the town which currently comprises a busy arrival loci for traffic passing into the town.
- 5.266 The ES anticipates that generic mitigation measures (noise screens/tree planting on the road edges and embankment) would reduce the effects to negligible. The initial preferred method of attenuating noise associated with the ELR(S) comprises the provision of acoustic barriers at a height of 2m (on both sides of the road) for 200m either side of the canal. Acoustic barriers will be subject to detailed planning permission and their acoustic quality will be specified. This can be secured by condition.
- 5.267 The ES identifies that there are potential impacts from the increased levels of road traffic, in terms of the standalone development and cumulative development scenarios. There will also be potential noise impacts from any new fixed installations and plant associated with the proposed development, which may impact on occupiers within the development.
- 5.268 With the exception of the Grand Union Canal, the ES considers that the operational impacts are judged to be negligible when appropriate mitigation measures (such as those listed in the report) are applied. The ES anticipates that operational and construction impacts on the Grand Union Canal are considered to be moderate when mitigation measures are applied. The ES considers that when appropriate mitigation measures are applied the site is suitable for the proposed development.

- 5.269 The ES and ES Addendum confirm that residual effects of noise include operational transportation noise and building services plant and industrial processes and potential B8 impact. The final layout and orientation of the various buildings/service yards has yet to be determined. The ES considers that mitigation measures have been proposed which can eliminate any residual impacts in relation to industrial/commercial sounds.
- 5.270 The ES states that residual effects associated with operational transportation noise have been reduced as far as possible within the constraints of the scheme and are considered to be acceptable. The ES highlights change in sound levels at residential receptors is typically less than 3 dB with the exception of the proposed residential receptors associated with the Land East of Aylesbury development (ref. 10/02649/AOP, and known as Kingsbrook) located to the north of the Site. However, the assessment of impact at this receptor does not consider the suggested mitigation measures proposed within the environmental statement as sufficient detail is not available within the submitted environmental statement to allow a detailed assessment to be undertaken. It is likely that with the addition of suitable mitigation measures highlighted therein the change in sound level at these receptors is likely to fall to < 3 dB. Traffic noise mitigation is being secured through the reserved matters for the Kingsbrook development, which would address this.
- 5.271 No new or different likely significant effects were identified through the assessments undertaken in the ES addendum in relation to noise and vibration.
- 5.272 No objections have been raised by the Environmental Health Officer subject to the noise mitigation measures detailed in chapter 9 being implemented as part of the Construction Environmental Management plan. No further objections are reported in respect of the assessment of the noise impacts within the ES. The measures highlighted in the ES and ES Addendum can be secured via a condition and with detailed consideration of the layout at reserved matters stage, to allow safeguarding of the enjoyment of gardens and amenity areas for residents as well as satisfactory internal noise levels within dwellings. This is considered to be a neutral factor in the planning balance.
- 5.273 The Environmental Health Officer has reviewed the revised documentation and is of the opinion that the significant effects remain substantially the same. Since the production of the original ES there have been a number of updates to relevant standards and guidance. No objections have been raised subject to conditions in relation to a Construction Environmental Management Plan (CEMP). The relationship of proposed houses to the potential noise source, noise from proposed employment, industrial units/ plant area and mixed use local centres has been assessed and it is considered that this is satisfactory subject to conditions being imposed on construction management and noise mitigation as set out above. Whilst the Environmental Health Officer has referred to the consideration that will be given to the internal layout of the proposed schools in terms of road traffic noise levels such that the classrooms and other sensitive areas will be located in facades away from the roads. This a detailed matter for the reserved matters stage and the acoustic

performance of the proposed building façade components' sound insulation is a matter which would be dealt with through the Building Regulations.

5.274 Overall, in respect of noise and vibration it is considered that subject to mitigation measures, including the imposition of conditions regarding noise and which will also require the approval of a CEMP, the proposal would accord with policies BE3 and NE5 of the VALP and with the NPPF.

#### *Contamination*

5.275 VALP policy NE5 seeks an appropriate contaminated land assessment to identify risks to health, the natural environment and water quality.

5.276 The Environmental Statement submitted with the application assessed the potential environmental effects on ground conditions and contamination. Most of the site is currently under arable cultivation, sub divided into field enclosures of various size and shape separated by mature hedges with a number of deep ditches and fences. There are two recorded landfills within 1km of the site:

- Weston Mead farm landfill: 20 m west of the site, 'inert' waste; and
- Old Sewage Works landfill: 250 m south-east of the site, 'Inert' and 'Industrial' waste.

5.277 There is no record of contaminated land issues at or within 500 m of the site, nor does the Council have any land in its jurisdiction within 1km of the site that has been formally identified as Contaminated Land. A Biological Notification Site adjoins the northern boundary of the site, along the south side of the Grand Union Canal, and another is located to the west of the site.

5.278 The Ground Conditions ES chapter identifies there may be a risk to buildings on the site arising from the potential for clay shrinkage/swelling ground movement. A number of sources of potential contamination have been identified including a dilapidated barn, discarded farming related materials and alluvial soils close to the Bear Brook which have the potential to generate soil gases.

5.279 The ES reports that the geodiversity of the local area will be unaffected by the development of the site and therefore there will be no geodiversity impact from the development. The employment of routine mitigation measures is anticipated to result in no significant residual effects associated with the development of the site with respect to ground instability and contamination. There are no further likely environmental impacts as a result of the amendments to the proposed development, or as a result of the revised phasing strategy set out in the April 2017 revised scheme. The cumulative assessment of local committed development sites concludes that development of the site in conjunction with these taking place will result in no significant cumulative effects. The Council's Contamination Officer has reviewed the submitted ES and agrees with the conclusions and recommendations and raises no objection to the proposals subject to conditions.

5.280 It is proposed to conduct ground investigations at the application site prior to the detailed design of the proposed development in order to delineate areas of

contamination and any other risks prior to construction. A condition can be attached in case any contamination is found. This accords with VALP policies BE3 and NE5.

#### Waste Management

5.281 The applicant confirms that the residential properties will be designed to incorporate the council's waste collection practices, including space to house food waste, recycling, garden, and non-recyclable waste bins. The details of this provision will be provided at the detailed design stage which is considered to be acceptable in this instance. Waste generated from Aylesbury Woodlands will be designed to fit in within Buckinghamshire County's local and regional waste infrastructure. Provision of waste facilities within the commercial elements of the scheme will also be considered at the detailed design stage and will ultimately be determined subject to the requirements of the businesses. It is considered that the proposed waste management strategy which outlines the various approaches to the collection and storage of waste and recycling materials is satisfactory in principle and accords with VALP policy.

#### Historic environment

VALP: D-AGT3 (Aylesbury north of A41) , BE1 (Heritage Assets)

ACNP: HQD1 (High quality design)

WTNP: H2(Development Design in the Neighbourhood Area)

Supplementary Planning Documents (SPD): Aylesbury Vale Conservation Areas  
Weston Turville Conservation Area document (2007).

Emerging BBKNP: HH1 (Promotion of history and heritage); HH2 (Protection of heritage assets)

5.282 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy D-AGT3 criteria x states that the site allocation contains five grade II listed canal structures along the Grand Union Canal to the north of the site. Along with the consideration of these structures, the setting of the Listed Buildings adjacent to Woodlands located at Threshers Barn, Turners Meadow at Aston Clinton and Burnham's Field at Weston Turville will also need to be considered in relation to any proposals. Policy BE1 seeks to conserve heritage assets in a manner appropriate to their significance, including their setting and seeks enhancement wherever possible. The ACNP lists non designated and designated heritage assets. Policy HQD1 requires proposals to fully take into account any relevant considerations concerning the historic environment and heritage assets in the area. WTNP Policy H2 requires proposals for development within the neighbourhood area to conserve and enhance the significance of any heritage asset and/or the special interest, character and appearance of the conservation area and their settings.

5.283 There are no listed buildings within the site. There are no Conservation Areas adjacent or close to the site. There are a number of the bridges crossing the canal (GUC) (Aylesbury Arm) which are Grade II listed, including (from west to east) bridge numbers 14 – to the west of the Site; 12, 11 and 10 adjoining the Site to the north;

and 8, to the east, which are designated heritage assets. These carried farm tracks over the canal and are not associated with major thoroughfares or historic routes.

5.284 There are also a number of listed buildings (designated heritage assets) to the west of the site, including the Grade II\* listed Barn at New Manor Farm, the adjacent Grade II listed Old Manor, and Thatched Cottage and Old Seven Stars Cottage, also listed Grade II. To the south of the Site is the Grade II listed Barn at Broughton Farm, and a little further south the Grade II listed Threshers Barn, No 2 Turners Meadow, both on the Aston Clinton Road. There are other listed buildings and scheduled ancient monuments within 2km of the site which are not anticipated to be affected by the development.

#### *Impact of the built form of the development on the listed buildings and structures*

5.285 The illustrative masterplan indicates the core of development is focused towards the east of the site. The northern and western boundaries of the site are largely given over to open green space and flood mitigation, which act as landscape buffers. To this end, the settings of the listed buildings would not be affected. Thresher's Barn at Turners Meadow is already separated from the site by the dual carriage way and will not be harmed. The setting of the Barn at Burnhams Field has already been compromised by the presence of the nearby hotel complex and the provision of green space. The new road to the western end of the proposed development site will further limit the visual relationship between the barn and the new development. There is also sufficient separation distance to the listed structures along Broughton Lane to ensure their setting will not be harmed.

5.286 Turning to the canal structures, Bridge 10 will be the most affected, and will be seen in the immediate context of the proposed development. The heritage officer has no objection and advises that the special historic and architectural interest and significance of these canal structures derives primarily from their relationship with the canal itself, rather than the adjacent agricultural land. The proposal would preserve and not harm these bridges. Heritage England has no objection. Whilst the heritage officer raises some concern over the intensification of canal/ visitor usage on the fabric of the bridge, the canal towpath is on the south side of the canal, so easily accessed from the site without crossing the bridge and there are no direct links to other public footpaths to the north side of those bridges (other than on College Farm Road North). There is no vehicular through road to the north that would attract traffic. Thus it is not anticipated that there would be a significant increase in the use of the bridge, that would result in harm to the listed bridge. The maintenance is the responsibility of the Canal and River Trust, who raise no objections on this matter. It is therefore considered that the proposal would not have an adverse impact on the historic fabric of all four bridges as a result of the development.

5.287 The new bridge will be at variance with the unified form of the current historic bridges, however the ES recognises that this is continuing a theme of interrupted views already established by the current bridges, and this is accepted. It is

considered that given the separation distance and proposed extensive green infrastructure the proposal would preserve the architectural and historic interest of the listed buildings and their setting. Therefore when special regard is given to the desirability of preserving the setting of these listed buildings as required under section 66 of the Planning (Listed Building and Conservation) Act 1990 the objective of preserving the setting of these listed buildings and structures is achieved.

*Impact of construction traffic on the conservation area and listed buildings*

5.288 Whilst there may be some potential for heavier vehicles passing the listed buildings and structures during construction, a construction traffic management plan will be required by condition which will include securing details of routing of construction traffic which will mitigate the impact through the conservation area. It is therefore considered that no harm would occur in this respect and it would preserve and not harm the setting of the listed buildings and structures.

*Archaeology*

5.289 The application is accompanied by an archaeological evaluation report and the applicant has undertaken trial trenching across the site and submitted an archaeological evaluation report which included the results of the geophysical survey and trial trenching. The Phase 1 trial trench evaluation largely confirmed the findings of the assessment presented in the ES (March 2016), and the results of the geophysical survey reported as part of this, which identified the main foci of archaeological interest. These comprise three clearly defined areas of Roman activity, with an area of Iron Age activity and some evidence for earlier Bronze Age occupation.

5.290 The ES Addendum reports that no remains were found in other areas identified as being of potential interest from desk-based sources. There was also very little of interest within the site in the area around Woodlands Roundabout, which is indicated as an area of archaeological potential. Very little potential for later remains has been identified, where the site is likely to have been in agricultural use since at least the medieval period, with settlements established in their current locations, outside the site.

5.291 The ES and ES Addendum report that no archaeological remains have been identified that would be a barrier to the proposed development or design of the site. Accordingly, in accordance with advice from the Archaeology Officer at BCC a number of archaeological conditions are recommended to be imposed on any planning permission, to secure the appropriate treatment of archaeological remains.

5.292 The Archaeology Officer has confirmed no objections to the proposal subject to attachment of the relevant conditions which would conform with advice contained in the NPPF.

*Overall Heritage conclusions :*

5.293 Special regard has been given to the desirability of preserving the setting of the listed buildings under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990. No conservation area is considered to be affected. It is concluded that the



development could be designed so as to preserve the setting of the listed buildings and so these buildings and monuments are preserved and no harm results from the proposal. The proposal would accord with VALP policies, ACNP policy HQD1, WTNP policy H2 and emerging BBKNP policies.

### ***Healthy and Safe Communities***

VALP: D1 (Delivering Aylesbury Garden Town), D-AGT3(Aylesbury north of A41), I1(Green infrastructure), I2(Sport and recreation), I3(Community facilities).

ACNP: L2 (Public open spaces, footpath, cycle & bridleways), E1(Doctors and school expansion)

WTNP: HE1(Improvements to health facilities by contributions from developers of new housing, access to education provision), HE2 (Access to education provision)

Guidance on Planning Obligations for Education Provision

Emerging BBKNP: HE1 (Support for healthy lifestyles).

5.294 VALP policy D-AGT3 is the most up to date strategic policy which sets out site specific requirements in particular criteria d, p, t and u which will be dealt with in the specific sections below. ACNP policy L2 Public open spaces, footpath, cycle & bridleways supports improvements and enhancement of public rights of way and policy E1 supports the expansion of the existing doctors surgery and school in Aston Clinton. Policy HE2 of the WTNP seeks developer contributions towards the funding of new school places to expand the capacity at existing schools or provision of new education facilities. Policy HE1 of the WTNP states that developer contributions will be sought in relation to residential development to fund improvements to service capacity for health facilities where the Clinical Commissioning Group has demonstrated that the development will create pressure on service provision and a requirement can be justified. Policies seek to ensure that appropriate community facilities are provided arising from a proposal (e.g. school places, public open space, leisure facilities, etc.) and financial contributions would be required to meet the needs of the development. These NP policies pre date VALP strategic policies.

5.295 The NPPF seeks to achieve healthy, inclusive and safe places, promoting social interaction, safe and accessible development and support healthy life-styles. This should include the provision of sufficient choice of school places, access to high quality open spaces and opportunities for sport and recreation and the protection and enhancement of public rights of way, and designation of local spaces.

### ***Green networks and infrastructure***

5.296 VALP policy D-AGT3 criteria d. seeks retention and integration of existing rights of way within safe and secure environments to link the site with surroundings. Criteria p requires such links for walking and cycling. Criteria p of D-AGT3 and policy I1 seeks the provision and management of 50% green infrastructure to link to other new development areas and the wider countryside. This is consistent with the AGT masterplan greenway. The Council acknowledges that development proposals offer the opportunity to improve green infrastructure network in accordance with policy I1 and D-AGT3 and emerging BBKNP policy HE1. All green infrastructure proposals should include details of management and maintenance to ensure these areas are

permanently protected. The green infrastructure will be secured through CIL regime, S106 contribution or conditions as appropriate.

5.297 The parameter plan shows that over 50% of the site area has been set aside for GI provision. The proposal makes provision for 74.2ha informal open space, 16.7ha formal open space, 1.2ha allotments/community orchards, 0.2ha children's play areas. The illustrative masterplan submitted shows the provision of key Green Infrastructure (GI) to the west and east of the ELR and north east and north of the residential development and south – south west of the proposed employment development. This would be delivered in phases related to the construction. The illustrative masterplan indicates provision of areas of informal public open space with over half of the development comprised of open space and landscaping which is in accordance with the VALP policy D-AGT3 and AGT masterplan, including the accommodation of the proposed AGT linear park/ greenway through the site and links to the canal towpath. Whilst some of this provision is due to the constraints on the land (eg. flood zone), the importance of open space as a means of establishing a high quality setting for development is recognised, and the role it plays in realising a distinctive character of the new community, as well as its contribution to the wider Green Infrastructure around Aylesbury, and the linear park around Aylesbury and which also features in the development to the south to which this can link in to. Given the provision on site exceeds the on site open space requirement there is no requirement for an off site contribution.

5.298 The amended parameters plan makes provision for 1 Locally Equipped Area of Play (LEAP) and 2 Neighbourhood Equipped Areas of Play. In addition to the provision of LEAPs and NEAPs on site, a cricket pitch, bowling green and tennis courts are proposed in close proximity to the residential area to the north of the site. Whilst the leisure officers raised some concerns over the equipped play provision, the details would be dealt with at the reserved matters stage and the S106 would require compliance with the relevant standards.

5.299 In addition to this, a Sports Village is proposed which could provide a velodrome, cyclehub, 3G football pitches, grass sports pitches, changing facilities and a clubhouse. The sports village is proposed on the land to the west of the proposed ELR on the area designated in the land use parameter plans.

5.300 Across the Aylesbury area there are a wide range of sports facilities, including the Aqua Vale Swimming and Fitness Centre and Stoke Mandeville Stadium. The Socio-Economics ES chapter identifies a requirement in the Aylesbury urban area for an additional 10 grass pitches and one cricket wicket by 2026. The future need in the AV Sport Facility Strategy and Playing Pitch Strategy is for 16 grass pitches and one cricket pitch. The proposed Sports Village, which could include a velodrome, 3G pitches, and grass sports pitches, would help to meet the requirements of a growing population and would make a positive contribution towards the emerging need in Aylesbury. The village would be accessible to the general public and could link closely with the Stoke Mandeville stadium, increasing the opportunities to attract visitors to the area who will support a range of jobs in the local economy. The marketing of the land and provision of serviced land for this facility is to be secured by requiring the

land to be made available for sale or lease to an operator/developer for such uses, in the s106 agreement.

- 5.301 The proposal also includes the provision of a hotel and athletes accommodation on the site. The athletes accommodation will enhance the offer for Aylesbury and potentially provide a greater connection with the Stoke Mandeville stadium in promoting an international Paralympic location. The 150 bed hotel proposed to be located in the Leisure Zone will be capable of serving visitors to the new sporting facilities, employment space and visitors to Aylesbury. The provision of hotel development complies with the key land use requirements of D-AGT3 and the NPPF with regards to its sustainable location, and contribution to the overall mix of uses in the area.
- 5.302 In terms of Sport England comments, this is an outline application and the details of the sports facilities, accommodation, hotel and facilities to be provided would be the subject of a reserved matters submission, and as stated the S106 would secure a strategy for marketing and making the land available.
- 5.303 The commercial leisure related uses to the south of the canal promote a canal side leisure area, which includes use classes A1, A3, A4 (now included in Class E), providing the opportunity for restaurants, bars and small shops. The canal side development is planned to be of an appropriate scale and proximity to the canal whereby the development would respect the character and appearance of the canal.
- 5.304 In terms of the maintenance of the public open space and recreational facilities related to the public open space, the S106 makes provision for long term management and maintenance in accordance with policy I1 and this is to be delivered through a management company. There would be a significant network of footpaths and cycleways within the development and open spaces providing connections to the wider network, making it highly accessible.
- 5.305 The leisure and sports provision identified on the site complies with the principles outlined in the NPPF (promoting healthy communities) whereby the planning system plays an important role in facilitating social interaction and creating healthy, inclusive communities. The application proposal promotes opportunities for meetings between members of the community who might not otherwise come into contact with each other. The masterplanning process has positively planned for the provision of shared space and community facilities, emphasising the importance of access to high quality open spaces and opportunities for sport and recreation, and complies with VALP policy D-AGT3 and I1 and ACNP policy L2 and emerging BBKNP policy HE1.

### *Education*

- 5.306 VALP policy D-AGT3 requires the provision of one primary school on the site with a preschool, together with a financial contribution to children's centre and secondary provision and expansion of existing special schools (criteria c). Policy HE2 of the WTNP seeks contributions towards funding new school places. The proposed development includes provision for a 2FE primary school site and financial

contributions which will meet the needs of the Aylesbury Woodlands community and local area. The illustrative masterplan shows the residential development lying within the ACNP area. The Socio-economics ES chapter identifies the existing primary level capacity within 3km of the site to be at or close to capacity, with just 47 surplus spaces spanning across 11 schools. This information is consistent with the advice from BCC Children's Services who advise that primary schools in Aylesbury are projected to remain full in the foreseeable future.

5.307 The size and location of this development would necessitate the need for a new primary school sufficient to meet the needs of the new community. Education officers estimate (based on the indicative mix of homes) that the application site would generate the need for 52 early years and 370 primary school places. As such, education would require commensurate contributions towards the provision of a 420-place primary school with 52 place pre-school (i.e. two form intake) and a suitable two hectare site within the development in line with BC's site specification requirements as established under its adopted policy. The provisions would also adequately safeguard land, on the proposed school site for expansion of the primary school, if it is required during the development to respond to any increased need. The primary schools, early years and special education contributions in addition to the land being transferred to BC to build the 2FE Primary School would be secured as part of the s106 agreement.

5.308 It is acknowledged that the estimated pupil growth with outstanding planning permission (in Aylesbury and the surrounding catchment area) is projected to put increased pressure on secondary schools. The education officer advises that the development alone, and in combination with the Hampden Fields development and other committed development) would not result in a child yield that would necessitate the provision of a new secondary school to be provided as part of either development. Education officers advise that the Education Authority has progressed its plans to provide a new secondary school on Quarrendon and at Kingsbrook – which will increase capacity, with future proofing to expand, if necessary, to meet future demand from new development in the area including both the Woodlands and Hampden Fields developments. Financial contributions towards the provision of secondary education facilities have been calculated in accordance with BC's adopted S106 policy set out in its "Guidance on Planning Obligations for Education Provision".

5.309 In line with BC's adopted policy, contributions will be made on commencement of agreed phases.

5.310 It is considered that it is reasonable to defer payment of the full secondary school contribution (as required by BC's adopted policy) which has been shown to constrain the financial viability of the development. The viability appraisal allows for full contributions towards transport infrastructure and a policy compliant minimum level of affordable housing (20%) and would enable full contributions towards primary school, pre-school and special education provisions and a 28% provision of the secondary school level contribution (this represents 66% of the policy compliant total education financial contribution with a 33% shortfall).

- 5.311 A review mechanism, based on updated financial appraisals to be submitted at identified stages in the development of the site, would determine whether a surplus has arisen to provide further contributions up to the full policy compliant financial contribution towards secondary education, and affordable housing provision and this is secured in the S106. The S106 provides that 38% of any surplus to arise out of the viability review mechanisms would be allocated towards the secondary school contribution (up to the maximum policy compliant sum).
- 5.312 Were education to insist on a full payment of the secondary contribution, the viability appraisal has demonstrated that the proposals could not support a policy compliant minimum level of affordable housing (20%) or it would require a reduction in the scale of s106 contributions towards the essential strategic transport infrastructure needed to facilitate the substantial wider growth of Aylesbury. Officers have weighed up the policy priorities and have concluded that it is necessary to ensure there is sufficient finance for the essential off-site transport infrastructure interventions which are necessary to accommodate the level of planned development (to minimise adverse impacts on the local highways network), and to ensure the proposals provide a genuine sustainable mix of housing to create a balanced community, in accordance with the NPPF which is also consistent with the need to support substantial growth in Aylesbury in line with the Garden Town principles.
- 5.313 Officers have carefully weighed up the significance of facilitating the development with its early delivery of necessary strategic infrastructure and substantial new employment generation with the need to ensure there is satisfactory school provision at a secondary level to meet the needs of this development and other housing developments coming forward in the medium to longer term. In conclusion, it is considered that the proposed provision of a 2FE primary school site with associated primary school, pre-school and special education contributions and reduce/deferred secondary level contribution (subject to any surpluses arising from subsequent review mechanisms), would be in accordance with the VALP policy D-AGT3, and accords with NPPF.

#### *Community Halls/Library Provision*

- 5.314 VALP policy D-AGT3 seeks the provision of community buildings including temporary if necessary (criteria u). The ES and addendum confirm that the estimated increase in local residents (approx. 2,500) will also potentially add increased pressure on libraries and community halls. The ES suggests that depending on the relevant standard applied, it can be estimated that additional floorspace between 74-250 sqm could be required to support this development. It is considered that this quantified requirement, taken on its own, is not large enough to warrant the development of a new library or community hall.
- 5.315 Notwithstanding the above, the proposals do not include specific provision of a community centre. However, the conference centre within the Sports Village could potentially be made available for community functions, as could the school. This is considered to be sufficient to fulfil the requirements of the criteria u of policy D-AGT3. Although the ES and addendum, considers that the overall effect on

community facilities provision is minor adverse, the impacts are not considered to be significant to warrant further facilities in the development. The proposal would generally comply with policy D-AGT3 and I3.

### *Rights of Way*

5.316 VALP policy D-AGT3 seeks to retain existing rights of way integrated into the development within a safe and secure environment with links to surroundings. ACNP policy L2 requires regard to be had to the amenity, convenience and public enjoyment of public rights of way and the desirability of their retention or improvement. There are public rights of way across the development site, and the Canal Towpath lies adjacent to the northern boundary of the application site.

5.317 The existing rights of way would be retained and a new network of footpaths and cycleways to be provided within the site connecting to the existing network beyond the site, including the canal towpath. As set out in the highway section above there would also be a number of improvements to footpath and cycle provision secured through S106 towards off site provision including the canal towpath and resurfacing of the existing footpath connecting to College Road South.

5.318 As stated above in the landscape section it is acknowledged that the character of the public right of ways would be altered by the proposed development from that of the tow path which presently crosses open countryside to one passing adjacent to a residential area (to the northern part of the site) and from the impact of the proposed ELR (S) which would extend above the canal and its towpath. This would be mitigated to some degree by the introduction of open spaces flanking the route of the footpath and compensated for by the provision of improved footways and opportunities for an additional network of paths within the site, improving connectivity, a safe and secure environment and contributing to a healthy community, details of which would be dealt with at the reserved matters stage. This would accord with VALP and ACNP policies.

### *Healthcare*

VALP: D-AGT3(Aylesbury north of A41), I3(Community facilities)

ACNP: E1(Doctors and school expansion)

WTNP: HE1(Improvements to health facilities by contributions from developers of new housing).

5.319 VALP policy D-AGT3 criteria t seeks "Provision for health facilities in consultation with the CCG". Policy I3 requires consideration of the need for community facilities and infrastructure arising from the proposal and the use of conditions or planning obligations to secure appropriate community facilities, or financial contributions towards community facilities, reasonably related to the scale and kind of development proposed. The supporting text to policy I3 lists those community facilities and services which includes doctor's surgeries (paragraph 11.26 of VALP).

- 5.320 There are other health care provisions within the allocations at Aylesbury Garden Town included in VALP policies. The policies relating to AGT1 (Aylesbury South) in relation to an allocation for 1,000 dwellings and AGT2 (Aylesbury South-West) in relation to an allocation for at least 1,490 dwellings include a criteria requiring “provision of financial contributions towards off site health infrastructure”.
- 5.321 Policy D-AGT4 (Aylesbury South of A41) relating to Hampden Fields requires the “provision of an on-site health facility. Where it is justified provision for expansion or an alternative larger site may need to be identified and secured for a multi-purpose health facility to accommodate further growth and service demand to increase capacity”. Outline planning permission has been granted on 24 June 2021 and a S106 was completed which made provisions for a health centre land (of not less than 0.14ha) and build to shell and core. The issues raised by the CCG and BHT relating to that site were considered at that time and are similar to those set out in this report.
- 5.322 The VALP Inspector’s report at paragraph 145 in relation to policies D-AGT1 South Aylesbury and D-AGT2 South West Aylesbury, stated that “*a contribution to an off-site health facility to be provided on allocation AGT3 to serve all three allocations AGT1, AGT2 and AGT3 is justified*”. However, policy D-AGT3 Aylesbury North of A41 does not include criteria to require the provision of a super surgery on the Woodlands site to accommodate this. This will be referred to later in the report.
- 5.323 The application makes provision on site of land for a GP surgery to serve the development, in accordance with the requirements for provision to be made in VALP policy D-AGT3 and consideration of the need for GP surgery under policy I3. The planning statement (table 2.3) submitted with the application shows a maximum land use for a GP surgery /crèche of 1,000sqm and other supporting documents refer to land for a 600sqm GP surgery. The provision is therefore being considered as providing land to accommodate between 600sqm and 1,000sqm for health care provision.
- 5.324 Policy E1 of the ACNP encourages the expansion of the existing doctor’s surgery within Aston Clinton subject to demonstrating no harm to local character, residential amenity or highway impact. It is considered that this policy does not preclude the provision of new doctor surgery by stating support for the expansion of that existing.
- 5.325 Policy HE1 of the WTNP seeks developer contributions in relation to residential development to fund improvements to service capacity for health facilities where the CCG has demonstrated that the development will create pressure on service provision and a requirement can be justified. The proposal seeks to make provision on site for health care facilities for a GP surgery and the issue of developer contributions will be considered further in the following paragraphs. The socio economics chapter of the ES and ES addendum has been updated to reflect changes in planning policy and provide an update of the cumulative effects in relation to health. The impact on primary and acute and community care is addressed below.

### *Primary care*

- 5.326 Baseline research set out as part of the ES and ES addendum (November 2020) identified existing GP surgeries within or close to Aylesbury , Berryfields, Mandeville, Meadowcroft, Oakfield, Poplar Grove, Bedgrove (including Aston Clinton and Wendover), Whitehill with the number of GPs varying between 3 and 16 at these surgeries.
- 5.327 The ES and ES Addendum found that all GP surgeries are accepting new patients, at a typical provision of 1,800 patients per GP, and the increased population arising from this proposed development of approx. 2,500 persons would imply a need for between 1 and 2 more GPs in the local area. With this in mind land for a new GP surgery is provided on site within the proposed development to mitigate any increased demand for primary health care services. The ES and addendum assumes that all residents would be people not already resident in the area, however in reality it is likely that some new homes will be occupied by existing residents in the area and already registered with GPs. The ES identifies a minor adverse effect on healthcare facilities and in respect of the cumulative effect taking into account committed developments in the area on the eastern fringe of Aylesbury, this will amount to a need for nine GPs and the ES and ES Addendum notes that provision is made for GP surgeries in particular at Hampden Fields and Kingsbrook developments. The ES and ES Addendum concludes that the impact on health would be not significant with the provision of land on site.
- 5.328 As set out above, the proposal provides for additional healthcare facilities through the provision of land for a health centre of 600sqm - 1,000sqm (GP Surgery), which could include facilities/clinical uses to mitigate any increased demand for primary health care facilities. The March 2016 ES described discussions with the Clinical Commissioning Group (CCG) and that the CCG was satisfied that a new facility that could accommodate 5 GPs would meet the need, not accounting for the Hampden Fields development which includes provision for a health centre.
- 5.329 Prior to the October 2017 AVDC Committee the CCG had not made any objections to the proposal making provision of land for a doctor surgery. Concern was raised about temporary provision on site. Following the resolution to grant permission in October 2017, officers engaged with the CCG on the draft S106. There has been considerable correspondence and discussion with the CCG since that time on general primary care provision and their requirements for a 5 GP surgery in relation to this application. Following the resolution to grant permission in October 2017, officers engaged with the CCG on the draft S106. The CCG confirmed that whilst the offer of a 600sqm site is sufficient to meet the required minimum, in theory it would be provided in a way that does not align with their strategic vision for the future provision of primary health care in the area and to meet the growth at Aylesbury. .
- 5.330 The CCG have concerns over operating services from a smaller site, viability and deliverability of such a facility. The CCG identified a floorspace requirement calculated as 250sqm based on the number of dwellings, increased population and patients to cater for the future population of the Woodlands development and requested a financial contribution of £763,200 in July 2018 towards a “super surgery”



rather than on site provision. Further information was provided in a considerable exchange of correspondence between CCG and the council, including the submission of an outline case (Turner Townsend July 2020) by the CCG which considers the options to provide a larger site to accommodate developments at Woodlands, Hampden Fields, Aylesbury South (AGT1) , RAF Halton (HAL003) and relocation/re-provision of the existing Aston Clinton surgery . This identified 3 sites for further exploration for delivering the super surgery, with a preference at Stoke Mandeville. No further information has been provided since then on the progress relating to the options available or a site chosen for the super surgery.

5.331 A subsequent request was made (February 2021) for a financial contribution of £783,037.34 (£313.21 per person) towards an off-site health facility (GP surgery) for mitigating the impact of the new proposed development. This identified a floorspace requirement calculated as 164.97sqm floorspace to cater for the new population of the development and running costs (c£30.5K) for the first year. No additional information was provided on where this super surgery would be delivered, how and when, nor was any further supporting evidence provided. The CCG comment that GP surgeries in the area of the development are already full and therefore this request is required on commencement of the development. This would entail payment of a financial contribution prior to any occupations of dwellings comprising the development.

5.332 Buckinghamshire Healthcare Trust (BHT) in relation to primary care advised that the S106 obligation to mitigate the primary care impact is not deliverable for the following reasons :

- The land offer is open to the private sector in addition to the NHS
- It will be impossible for the CCG to take over the land as it is in a fixed place, not big enough and the NHS has very limited financial resources. This would not mitigate sufficiently the impact.
- The current Section 106 offer does not align with the Buckinghamshire health and care system's strategic vision for the delivery of health and care.
- There are also significant concerns relating to the CCG's ability to commission and providers to operate services from a site at this small scale
- There are also concerns around the viability of the proposed primary healthcare facility when considered in the context of the wider Westongrove Surgery contractual boundary.
- The CCG was not supportive at the time for the reasons above and what has been offered

5.333 As stated above, there has been considerable correspondence and discussion with the CCG since 2017 to seek to resolve this matter particularly relating to the evidence base, methodology and certainty over delivery of a larger facility. The council has consistently advised that in order for the request to be directly related to the proposal it is necessary for the outstanding concerns over the data and methodology used to be overcome and a reasonable degree of certainty that the project is in hand to deliver the capacity to meet the needs. However, no substantial progress has been made on this since the Hampden Fields application was considered by the Strategic Sites Committee in February 2021 and a similar issue on site primary care provision

was considered. At this stage the following main concerns have been raised with the CCG and BHT and remain outstanding and need to be addressed before any conclusions can be reached as to whether the CCG's requested contributions meet the CIL tests:

- Deliverability: There are no firm plans as to how, when and where the proposed alternative super surgery off site would be implemented. Assessing the impact of new development on primary care: the capital cost data, its sources and underlying assumptions are not fully explained and justified.
- The running costs requested are not fully explained and the concerns are similar to those relating to the BHT dealt with below.
- The S106 contributions are based on average build costs per sqm rather than identified capital project costs and other funding availability for the project. Additional information has been provided on locally derived examples, and further clarification from the CCG is awaited.
- The S106 contributions are based on the assumption that the current use and cost of CCG floorspace will be a broad indicator of likely floorspace needs. No quantitative evidence has been provided to demonstrate why the existing floor space is unable to accommodate growth needs arising from the development. It is unclear if the calculations address the needs of concealed households and therefore only includes new patients.

5.334 Concerns have been raised that the S106 is inadequate in securing the delivery of a GP surgery. The proposed development includes land for a healthcare centre to be provided within the site, to accommodate a five GP surgery, which would exceed the 164.97sqm floorspace calculated as the requirement arising from this development. The S106 agreement defines the health centre "as part of the land located within the local centre to be used for the provision of the health centre, the precise details of which are to be approved.....and having the capacity to accommodate not less than 600sqm and up to 1,000sqm as specified in the Planning Statement..". It is considered that there is the potential at the reserved matters stage for a scheme to come forward on the land earmarked for the health centre to accommodate a larger health centre than that required to reflect the estimated floor space requirement of Woodlands alone, which would have capacity to serve a wider population of the area, and potentially that of AGT1 and AGT2 if the same floorspace to population calculations are equally applied. Although, it is accepted that the proposal would not provide for the CCG's vision of a larger site with capacity for 1,877 sqm, however, this would seek to go beyond the VALP requirements as it includes relocating existing surgeries and accommodating existing deficits. There could still be potential for the CCG to negotiate and agree with the developer at the reserved matters stage to make provision of land to accommodate a larger health centre to meet the CCGs vision, which would be regarded as public benefit, although it is recognised that this may require a deed of variation or new agreement.

5.335 Representations also raise concern over the marketing of the site open to the private sector. The CCG commissions primary care services and is unable to purchase or lease its own assets. It contracts (commissions) primary care services from providers (such as partnerships of GPs) who own and construct their own facilities using private funding. Through the S106 a notice would be served on the developer by the council

notifying the developer that the council and the CCG require the health centre, or that it is not required. If it is not required, the owners are required to agree in writing an alternative mechanism to provide the necessary health facilities to mitigate the impacts of the development.

- 5.336 If the notice confirms that the council and CCG require the health centre land to be provided, the health centre land would be marketed in accordance with an approved marketing strategy. In the event that no healthcare provider has expressed an interest in the land there is a covenant in the S106 for an alternative mechanism to provide the necessary health facilities to mitigate the impact of the development to be agreed in writing with the CCG and/or the council. This would allow further discussions with the CCG which may include a financial contribution to provide such facilities off site in lieu of on site provision in the event circumstances change on the vision for a super surgery and the CIL test could be satisfied.
- 5.337 Liaison with the CCG is therefore built into the process to agree an alternative mechanism to mitigate the impacts if a provider of primary care does not wish to take the site. Whilst the BHT and representations have criticised the marketing of the land for health centre as set out in the S106 being open to the private sector, the term health care provider does not exclude the private sector, because GP partnerships are private bodies, even though they provide NHS services. The S106 as drafted is therefore considered satisfactory
- 5.338 The application is in outline and the details of the precise location, scale, appearance and size would be considered at the reserved matters stage.
- 5.339 Concerns have been raised in representations that the S106 as drafted means the council could take a crucial decision about the provision of and for healthcare without consultation with the CCG. As outlined above the S106 allows further discussions with the CCG to take place. The responsibility lies with the Council as the local planning authority for monitoring and enforcing the S106 obligations and approving any matters requiring such approval.
- 5.340 The concerns of the CCG, BHT and other representations relating to the Hampden Fields development were considered at that time of determining that application in June 2021 and are similar to those set out in this report. A local community group brought a judicial review on several grounds challenging the Council's decision in respect of Hampden Fields and its approach to the requirement for contributions to mitigating health care impact in respect of both the CCG and BHT based generally on the concerns discussed above. Both the CCG and BHT supported the local community group's claim. The Court was satisfied that the Council's approach to decision making and its judgements were lawful and dismissed all grounds of claim. The recent court judgement concluded:

*“ I agree with the Council's submissions that, on close examination, the Claimant's case amounts to no more than thinly-veiled disagreements with the Council's lawful exercise of planning judgment. Therefore the claim for judicial review is dismissed, for the reasons set out above.*

5.341 A copy of the judgement is appended to the report (see Appendix K).

5.342 The S106 requirements can only secure mitigation that is necessary to make the development acceptable in planning terms and to mitigate its impact. It cannot seek to provide for the needs of the existing community, resolve existing deficiencies and gaps or services that would be delivered outside the scope of this application. The CCG have been consulted and in arriving at a planning judgement, it is considered the offer would make provision for meeting the impact on primary healthcare and need arising from the development and has the potential for flexibility to meet the wider strategic vision for AGT1 and AGT2 VALP allocations for the delivery of health and care in the future. There is in any event an obligation for the CCG to provide sufficient GP services to meet the needs of the local population. The proposal is considered to comply with the requirements of VALP policy D-AGT1 and I3, and NP policies.

#### *Acute and community healthcare*

5.343 VALP policy does not explicitly refer to acute and community health care in the AGT allocations nor in the community infrastructure policy I3 and supporting text. There were no representations made on VALP from the NHS, CCG or BHT during the VALP process relating to the need for acute and community infrastructure or contributions towards service costs arising from this planned growth. The applicant has taken into account the impact of the development on health through the ES and ES addendum.

5.344 The ES and ES Addendum in terms of secondary healthcare advised that Stoke Mandeville Hospital, within 5km of the site has 431 beds excluding paediatrics, maternity and critical care and 479 overall. The latest published data shows an increase of 18,600 residents in the Aylesbury Vale area compared to the equivalent recorded in the ES 2016 and recognises that there is increased pressure on hospital beds and local secondary healthcare capacity. The ES and Addendum (November 2020) states that the NHS will be required to factor in the implications of forecast population growth in its planning for health services provision and it will respond accordingly with increased bed space capacity. On the reasonable assumption that hospital capacity issues will be addressed the ES considers the cumulative effect in respect of health will not be significant.

5.345 The impact on acute and community healthcare is a material consideration and representations have raised concerns about the potential impacts on hospital provision and in particular at Stoke Mandeville Hospital.

5.346 The NHS England funds the CCG who commissions the BHT to provide acute and community healthcare services to Buckinghamshire. This includes community, planned and emergency (major trauma and A&E), acute hospital medical and surgical care and specialist and tertiary health care. Part of the BHT catchment extends into Oxfordshire

5.347 Service (Revenue) costs: Buckinghamshire Hospital Trust (BHT) have requested contributions towards hospital services and the council have been in discussion with

the Buckinghamshire Hospital Trust (BHT) regarding contributions sought in general terms towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. In summary, BHT advise that the contract value for their funding is based on months 1 to 6 of the preceding years activity levels and does not take into account future planned housing though some element of demographic growth is factored in. Some additional funding is provided but this can depend on achieving surplus targets / improvement goals. BHT claim there is a 'funding gap' created by the lag between the new residents moving into the area and the date by which the government funding is actually received. The BHT emphasise that the contribution sought is to mitigate the impacts of a permanent gap in funding, not a lag, as the gap is not recovered retrospectively and will have a financial impact on the Trust, thus there is no double counting. Therefore BHT is seeking funding for the gap period until the NHS funding system pays the full cost of treating the extra patients.

- 5.348 BHT goes on to say that the Trust's hospitals and community services are at full capacity and frequently experience major pressures and inability to cope with the increasing patient demand, with bed provision a key factor. The BHT considers that the population and household increase associated with the proposed development will significantly impact on the service delivery and performance.
- 5.349 The BHT further note that based on the anticipated population from the proposed development, the demands generated over a 12 month period (including in respect of A&E admissions, day care, emergency and outpatient admissions), have been set out and a cost per person generated based on the 'cost per activity'. The BHT emphasise that the costs are related to the specific activities in the area of the site and therefore directly related to the development. They are based on the previous years' activity rates and provide an average figure – BHT argue that whilst these cannot be exact it provides a reasonable methodology.
- 5.350 To support their request BHT have provided a number of appeal decisions which have varied outcomes.
- 5.351 In considering any request for a financial contribution, the council would need to be satisfied that BHT has provided evidence and adequate justification to demonstrate in accordance with the CIL Regulations how the sums are necessary to make the development acceptable in planning terms or how they are directly related to the development or fairly and reasonably related in scale and kind to the development. (CIL Regulation 122).
- 5.352 There has been considerable discussion with BHT dating back to early 2019 regarding the request for contributions. Officers have on numerous occasions raised concerns that the information provided to date is inadequate to enable the Council to conclude that their request meets the CIL tests in relation to the requested contributions towards service costs.
- 5.353 Whilst these discussions have taken place there has been no substantial progress made on the approach and methodology issues in relation to financial contributions

towards hospital services since the Hampden Fields application was considered by the Strategic Sites Committee in February 2021 when a similar request was considered. There are still a number of outstanding concerns remaining relating to the request for contribution towards the cost of running services:

- a) Funding: Evidence used to justify the demand for funding and if directly related to development. Concerns over whether the funding gap is a genuine gap or a lag in funding having regards to the existing national funding mechanism for BHT, including funding for extra patients arising from predicted population flows as there is an element allowance for growth population increases based on demographic trends in population and household formation included in ONS projections. The ONS projections should be updated over the lifetime of the development.
- b) Availability of funding from sources other than through the CCG.
- c) Evidence related to data and methodology used, sources and underlying assumptions, indicators of population per household, assessing the impact of new development compared to existing capacity and infrastructure requirements of the existing population including the appropriate allowance for concealed households and new population not otherwise in the local system. This is a major limitation, and this information is needed so that the impacts of the development alone can be ascertained.
- d) Evidence in establishing the direct link to development based on activity rates and population attendances / access to each of those activities, and allowance for services provided to residents by other Trusts.
- e) Funding use and monitoring: the need to connect the use directly to the specific development leads to questions over whether the additional funding would benefit the patients from a development, rather than reduce the need for central subsidy or be used to fill an existing deficit, and how the spend can be reasonably monitored and is capable of a reasonable degree of enforcement.
- f) Phasing of any contributions related to anticipated delivery rates

Thus further work still needs to be satisfactorily carried out by BHT on service costs to satisfy the CIL tests.

5.354 Capital costs: The Council had been working collaboratively with BHT in order to assess the potential for CIL compliant contributions for alternative provision in the way of capital costs arising from new development rather than revenue costs in light of the concerns raised. BHT in February 2021, provided a fresh calculation for what they regard as the capital cost impact of the proposed development. This is in connection with its three-year facilities programme. There has been some progress on this (capital costs) but the discussions have not been progressed by BHT since September 2021 when the judicial review on Hampden Fields was submitted and thus the following issues remain unresolved :

- Deliverability of capital projects: Whilst six projects have been specified to deliver the infrastructure for which contributions are requested, there is limited information provided and a direct relationship with the proposed development is not demonstrated, no information is provided on their status and timescales for delivery.

- Evidence related to data and methodology as set out in c) and d) above
- Use of average build costs per sqm rather than identified capital project costs .
- Funding: not satisfactorily explained if there is alternative funding to address the funding gap for the six projects, including BHT and the LEP's request to government as part of a Recovery and Growth bid.

Thus further work on capital costs would need to be satisfactorily carried out by BHT to meet the CIL tests.

5.355 In comparing service costs and capital costs, it is significant that the amount sought under the BHT revenue cost methodology is far higher at £2,200,527 (originally £2,118,427 at March 2019) whereas the fall-back capital cost request is £985,272. The difference is £1,215,255. This significant variance demonstrates the need for the Council to be satisfied that any calculations and the methodology are robust and justified. BHT have made it clear that they are only seeking capital costs in the event revenue costs are not accepted.

5.356 Impact of such acute and community health contributions on viability: The applicant advises that this is already a financially constrained scheme and there is no capacity to make further financial commitments within the S106 obligation. The delivery of an employment led scheme stands this apart from other residential led developments in terms of costs of strategic infrastructure per dwelling and points out that Woodlands provides significant net benefits to the wider Aylesbury community and enables the delivery of an Enterprise Zone.

5.357 The requested contribution has not been the subject of viability testing through the VALP process nor has it been included in the viability appraisal relating to this application.

5.358 The submitted viability appraisal demonstrates that a fully policy compliant scheme cannot be delivered and thus a reduced affordable housing provision and education contributions have already been accepted. Allowance has been made in the viability assessment for marketing of land for a health centre, GP surgery to a serviced state. The requirement for such financial contributions as outlined above towards the BHT services or capital costs and CCG capital and running costs either individually or collectively even if these were progressed to be CIL compliant (which based on the current issues they are not), could not be sustained by the development without reducing the affordable housing provision on site or the education financial contributions further. It is considered that it would not be appropriate to reduce the off-site highway mitigation works or prejudice the delivery of such works to facilitate the healthcare contributions. The prioritisation of such contributions is therefore a matter of judgement for the council.

5.359 Even if the concerns raised over the healthcare contributions could be overcome, given the importance of achieving the level of affordable housing and education provision that the development could sustain, officers do not consider that, as a matter of judgement, the healthcare contributions should take greater priority over these weighed in the public interest.

- 5.360 Overall conclusions on primary, acute and community health: The impact on primary health care is considered to be mitigated through the provision of land for a health centre which exceeds the estimated floor space requirement and complies with VALP policies and the NPs. In terms of acute and community healthcare, at this stage the council is not satisfied that there is sufficient evidence and justification that there would be an impact that would need to be mitigated, and that there is no other funding available, to justify the financial contributions requested on service costs or capital costs. It is considered that there is no conflict with VALP policy D-AGT3 or I3 or the NP policies.
- 5.361 Officers have nonetheless taken a judgement as to whether or not it is appropriate to delay the consideration of the application, for information which may or may not satisfy the CIL tests. At this point it is not certain whether a CIL compliant s106 approach and methodology may be able to be achieved and in the case of capital costs the approach and methodology and certainty of a deliverable project, and this may take several more months, or longer, (as is evidenced by the time lag since the Hampden Fields application was considered by the Strategic Sites Committee) to work through.
- 5.362 The delay and uncertainty over this matter must be weighed against the potential disruption and potential prejudice to the delivery of an important component part of the transport strategy for Aylesbury and the delivery of the enterprise zone and its economic benefits. It can be seen from the section on housing land supply above that such delay will put further pressure on housing land supply and will create difficulties in relation to the Council's ability to meet a five-year supply. This undermines important objectives in the NPPF which seeks to ensure an adequate supply to meet objective needs. For these reasons it is considered that the BHT request for a financial contribution to mitigate the potential impacts on acute and community care (in relation to both service costs or capital costs) is outweighed as a matter of judgement at this stage by the significant delay and prejudice that would result in determining this application if the issues above were first required to be resolved particularly since, at present, there is no guarantee that the methodology and contributions will be found to be CIL compliant.
- 5.363 In addition, the provision of the sports fields, playspaces and other public spaces, with walking and cycling provision, encourages people to adopt a healthier lifestyle which is a net benefit in the round. On balance, the proposed development provides adequately for healthcare facilities in accordance with VALP policy and having regards to the CIL regulations.



### **Raising the quality of place making and design**

VALP: D1 (Delivering Aylesbury Garden Town), D-AGT3 (Aylesbury north of A41)BE2 (Design of new development), NE4 (Landscape character and locally important landscape), D1 (Delivering Aylesbury Garden Town)

ACNP: HQD1(High Quality Design), HQD2 (High Quality Design)

WTNP: H2: (Design of Development)

Design Guide: New Houses in Town and Villages / Residential extensions guide

5.364 Policy D1 of VALP seeks to create distinctive, inclusive sustainable, high quality successful new communities. The focus of policy BE2 of the VALP is on local distinctiveness, noting that developments are required to respect and compliment the physical characteristics of the site and their contexts; and the local distinctiveness and vernacular character of the locality, natural qualities and features and important public views and skylines. Furthermore, Policy D-AGT3 of VALP requires the proposal to take account of the over-arching Garden Town principles and details within the Aylesbury Garden Town Framework and Infrastructure SPD. The proposal has to take into account, the adjacent settlement character and identity, and should be integrated with the existing building area of Aylesbury, and maintain the settings, and individual identity of Aston Clinton, Broughton and the existing urban edge as well as responding positively to the best characteristics of the surrounding area including Aylesbury Arm of the Grand Union. In addition, the development should be designed using a landscape-led approach including consideration of the long distance views of the AONB and respond positively to the best characteristics of the surrounding area.

5.365 ACNP policies HQD1 and HQD2 and Policy H2 of the WTNP are consistent with VALP in seeking high quality developments reflective of local character.

5.366 The NPPF sets out that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and encourages the use of design guides and codes as part of the plan or SPD. The NPPF also acknowledges that the required supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.

5.367 The application has been submitted in outline form with the parameter plans providing further specified or indicative details of the development. The parameter plans expand upon the illustrative masterplan and form the basis for the proposed land uses, access and circulation, density and building height of the development which is considered by the ES and provide the basis for control over the design quality at reserved matters stage. The following parameters plans are submitted:

5.368 *Land Use Parameters Plan*: The proposed land uses are shown in Parameter Plan 1: Land Use and Amount, which details the quantum and spatial allocation of commercial, employment, residential, public pedestrian, cycle and vehicular routes embedded into the masterplan together with significant areas of structural landscape and open space areas around and within the site . Up to 102,800 sqm of employment land is proposed on land that forms a part of the designated Woodlands/Arla

enterprise zone. Upto 74% of this floorspace alongside the ELR and ground works to the floodplain will be delivered as part of Phase 1. With regards to the residential uses, up to 1100 dwellings are proposed within separate illustrative development parcels and form part of the later phasing. The residential development will comprise 28.8 ha of the site. 60 residential extra care units (C2 Use) are also shown on the Land Use and Amount Plan.

- 5.369 The proposed disposition of land uses in the masterplan and connectivity is considered to provide opportunities for social interaction and create healthy, inclusive communities that would contribute towards the formation of a sustainable community.
- 5.370 *Layout:* The site has been laid out to ensure the most vulnerable land uses (from flooding) are located away from the areas of highest flood risk. There are significant areas of landscaping and open space. As such, the employment zone and residential components (including the local centre, school and leisure uses) are located and contained within the eastern part of the site in Flood Zone 1 (away from Flood Zones 2 and 3 to the western part of the site). The proposed ELR is laid out to connect to the position of the linkage to the ELR(N) to the north and the linkage to the Woodlands/A41 roundabout to the south. The ELR is abounded on both sides by public open space which would contain a mixture of informal and formal areas, woodlands, new grassland, pedestrian/cycle routes and sports facilities (western area only). Parts of the ELR are raised above the flood plain. The open space to the east and west of the ELR is located in Flood Zones 2 and 3 (high flood risk) and it is proposed that parts of this land is to be relevelled as part of the flood mitigation scheme, which would form a part of phase 1.
- 5.371 The Land Use and Amount Parameters Plan 1 identifies the location and indicative layout of the commercial (B1, B2 and B8 uses) Enterprise Zone Uses on the south eastern part of the site closely related to the Arla complex by the A41. The employment zone wraps around the existing retained woodland area to the north of the A41 which would link in with the blocks which contain the hotel and athlete accommodation on the western side of the employment zone (south side of the built edge of the development). The mixed commercial/residential use parcels (B1/C3) and the mixed use local centre (A1, A2, A5 and D1 uses) including the school are located in the centre of the built up part of the development adjacent to the junction of primary roads (to aid legibility).
- 5.372 The residential areas are to be located in the north and east of the site, centred around the new local centre. 60 residential extra care units (C2 Use) are located in the north western block in proximity to residential dwellings and adjacent to an area of open space which is within walking distance to the local centre.
- 5.373 Leisure uses comprising the hotel and athletes accommodation as well as the local centre are shown to the east of the link road. The Sports Village is shown on the Land Use and Amount parameters plan located to the west of the proposed link road. A cricket pitch, tennis courts, bowling green and allotment gardens are indicatively shown to the north west of the residential area adjacent to the open space at the

north-western corner of the development site. These uses are laid out in appropriate locations to enrich the character of the development and enable the residents and visitors to benefit from the facilities and open spaces.

- 5.374 Complimentary leisure (A1,A4 and A5 uses) and open space uses are also located to the periphery of the GUC (as identified in the land use parameter plan), to maximise the emphasis of the canal. The proposal has been designed to ensure there retains a separation to the north with the canal and provides an opportunity for leisure uses to be located in the proximity of the canal. The canal side development is an opportunity to positively enhance the arm of the GUC for residents of Aylesbury and users of the GUC .
- 5.375 The masterplan layout comprises a perimeter block form which could support active frontages on the main streets and routes. The block layout responds to the orientation of open drainage channels within a 'blue-grid' as illustrated on the masterplan. The layout is influenced by local examples of built settlements which comprise a recognisable street character with a hierarchy of primary and secondary routes with the local centre, positioned on the primary routes. Thames Valley Police have submitted detailed observations citing potential concerns over the proposed layout and its detailed composition. Notwithstanding this, it is considered that these detailed matters can be satisfactorily resolved at reserved matters stages.
- 5.376 The proposed western edge of the development is located to the east of the proposed ELR and is set back from the road by over 100m. The urban edge is buffered by proposed woodland areas and formal open spaces which could create an attractive green setting for the development, subject to detailed design. The south western edge includes larger buildings (which accommodate the hotel/athletes accommodation) which would act as a focal point and gateway feature to the development.
- 5.377 Parking, cycle parking and electric vehicle parking: The details will be set out at the reserved matters stage and a condition is recommended requiring provision in accordance with the Council's standards.
- 5.378 *Scale and Massing:* The proposed Parameter Plans 4 and 5 detail the maximum and minimum heights of the various parts of the masterplan site. The parameter plans indicate that the minimum heights for the employment zone will be from 9m increasing to 12m in the south east corner up to maximum heights of 15m to 20m. The maximum height parameter plan was revised in April 2017 to reduce the height of the commercial/office employment buildings immediately adjacent to the south eastern corner to 15m (maximum) with the remaining part of this block being 20m (maximum). This is similar to the heights achieved on the wider Arla development. The building height on the south east corner commercial units, the additional buffer planting and indicative access modifications to the sports village are considered acceptable and would enable a satisfactory form of development in a sustainable location.

- 5.379 The scale parameters of the residential component are identified as 1-2 storeys on the edges of the development rising to 2-3 storeys within the development with a maximum of up to 4 storeys within the centre of the development at the denser part of the site. This is typically characteristic of settlements in the area and would be consistent with the VALP, ACNP and the Garden Town principles.
- 5.380 The proposed leisure uses (hotel and athletes accommodation) are located to the east of the link road on the western edge of the built up development. The scale parameters plans indicate that the buildings would be a minimum height of 9m (with a maximum of 15m) which would provide a focal gateway to the Woodlands development. The Local Centre minimum height is 12m which could rise to 20m (maximum) with the mixed residential/commercial buildings up to a maximum of 15m.
- 5.381 *Density*: Parameter Plan 2 details the residential density across the development. The dwellings proposed to the north of the site have a lower density along the edges of the development of 20-30 dph rising to a medium density of 30-40dph across the body of the site and a higher density generally within the centre of the development of 40-50 dph. It is considered that the proposed density offers an optimum use of land in a sustainable location on the edge of Aylesbury that is consistent with the Garden Town principles.
- 5.382 At this stage, it is considered that the proposed scale and massing of the development, in outline form would be acceptable in order to optimise the built up part of the site and steer development away from the flood zones, whilst being considerate of the neighbouring properties. Full details of scale and massing will form part of the reserved matters submissions for each development parcel or phase.
- 5.383 *Access and connectivity*: The accesses and circulation routes are illustrated in the proposed parameter plan 3 (Access to Movement). Vehicular access to the site is provided from 3 access points comprising Woodlands/A41 roundabout, the approved Eastern Link Road North and College Road North. The northernmost access links the proposed development with the Eastern Link Road (North) to create the Eastern Link Road South (ELR(S)). The Woodlands/A41 roundabout is designed in outline form to provide a further connection to the proposed southern extension of the Eastern Link Road which forms a part of the Hampden Fields development (16/00424/AOP). A further access point to the Woodlands development is from College Road North (which is connected to the A41); this comprises the only element of the planning application submitted in detail.
- 5.384 The ELR (S) is proposed to comprise a two way road and infrastructure works will necessitate modifications to the existing Woodlands roundabout to achieve the appropriate access and capacity. The application details state that the road will need to be raised from ground level from 1m rising to 6.3m to take account of its position relative to the flood plain. Notwithstanding this detail, the application is in outline form for this component and the formerly submitted detailed plans for the ELR(S) A41 Southern Access Junction and ELR(S) Grand Union Canal Bridge have now been withdrawn by the applicant and as such will not be considered in this assessment.

- 5.385 The indicative masterplan indicates that the main primary commercial street is accessed off the link road (to the east) which provides access to the hotel and leisure uses and the commercial employment land use to the south east of the site which will connect with College Road North to the east. A further illustrative primary access road is proposed further to the north providing access to the residential areas and local centres to the east of the link road. An indicative access road to the sports village has been added and is shown in the amended parameter plans. The secondary road network and pedestrian/cycle routes are also shown for illustrative purposes on the Access and Movement plan. The walking and cycling provision aims to link and integrate the development with the existing built up area and countryside and is considered to be acceptable in order to encourage sustainable movement in and around the site.
- 5.386 The detailed design of the proposal is a reserved matter for later consideration and it is therefore not possible to assess this aspect fully at this stage. However, subject to appropriate conditions on any approval, it is considered this issue could be adequately addressed through design codes to ensure the delivery of high quality design principles and the consideration of any subsequent reserved matters applications.
- 5.387 Subject to the detailed design, scale, layout and appearance, it is considered that the development provides an opportunity to make a positive contribution supporting growth of Aylesbury, with an appropriate mix of land uses that complement the site and the wider Aylesbury area. The Illustrative Masterplan shows how a sustainable mixture of housing, employment and infrastructure improvements could be set out in a workable in principle form which would benefit its residents, workers and visitors from the local area. It is considered that the provision of open space, woodland areas and informal/formal planting providing green landscaped buffer zones would ensure adequate separation from the highway boundaries including the ELR and avoiding coalescence of the settlements Aylesbury, Broughton and Aston Clinton and the ecological mitigation supporting Kingsbrook.
- 5.388 The overall design approach set out in the DAS and augmented by the parameter plans accords with D-AGT3 and BE3 of VALP . The development has the potential to respect and complement the characteristics of the site, the natural qualities and features of the local area. Whilst the CPDA has made detailed design comments, designing out crime principles will be further developed in later reserved matters applications, considerations have been made in the Illustrative Masterplan to incorporate land use mix to assist crime prevention. In respect of the impact on the canal, the development would improve access to the canal and create potential land uses that enhance its historic importance.
- 5.389 Subject to the imposition of appropriate conditions on any outline approval to agree a design code(s) for the component elements/phases together with the specific details of materials, boundary treatments, landscaping, slab levels and lighting, it is considered the proposal could comprise an appropriate form of design in the context of the site, in accordance with D-AGT3 and BE3 of VALP, ACNP and NPPF.

## **Flooding and drainage**

VALP: D-AGT3(h-o) (Aylesbury North of A41), I4(Flooding)

ACNP: E4(Environment – Abating Flood Risk)

- 5.390 VALP policy D-AGT3 (criteria i) requires detailed modelling to confirm flood zone and climate change extents and criteria k, states that the development should be designed using a sequential approach. Flood Zones 2 and 3 and 3a plus climate change (subject to detailed flood risk assessment) should be laid out for uses compatible with these flood zones with built development restricted to flood zone 1. New major transport infrastructure such as Eastern Link Road should be designed so that the potential loss of floodplain and change of flow pathways resulting from their implementation do not have an adverse effect on flood risk. They should also be designed to ensure that they remain operational and safe for users in times of flood (criteria l). Criteria h, seeks flood defences through a flood alleviation system benefitting the wider community and provision of sustainable drainage systems (SuDS) and criteria j states that reservoir flood risk to the site should be investigated and the mitigation for reservoir risk should be discussed with the Environment Agency. Resilience measures will be required to ensure development is safe if buildings are located in flood zone 2 and a surface water drainage strategy should ensure development does not increase flood risk elsewhere (criteria n & o) .
- 5.391 Policy I4 requires development proposals to carry out site specific FRAs informed by the SFRA and to demonstrate that the flood risk sequential test, as set out in the latest version of the SFRA, has been passed and be designed using a sequential approach. ACNP policy EN4 seeks to avoid flood risk increase, and surface water runoff and that development is sited in areas of least flood risk.
- 5.392 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of high risk (whether existing or future) . Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood elsewhere. Paragraph 160 refers to strategic policies to be informed by strategic flood risk assessment and to manage flood risk from all sources. All plans should apply a sequential risk based approach to the location of development and manage residual risk.
- 5.393 Paragraph 166 of the NPPF requires LPA's to ensure that flood risk is not increased elsewhere. Where appropriate, applications are required to be supported by a site specific flood-risk assessment; and within the site, development should only be allowed in areas at risk of flooding where, in the light of the sequential and exceptions tests (as applicable), it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location. Developments need to be appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment. Furthermore, the development should incorporate sustainable drainage systems (unless there is clear evidence that this would be inappropriate); demonstrate that residual risks can be safely managed

and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 5.394 The Environment Agency (EA) flood zone map (updated 2018) indicates that the western most part of the site and northernmost extent is currently located within Flood Zone 3 'High Probability' and Flood Zone 2 'Medium Probability'. The eastern part of the site is located mostly in Flood Zone 1, with a pathway of Flood Zone 2, 'Medium Probability'. In extreme rainfall the EA 'Surface Water Flood Risk Map' shows the site could be potentially susceptible to surface water flooding. The EA published the new Upper Thame and Bear Brook model in 2018; this has resulted in updated fluvial flood risk information for the Aylesbury Woodlands site.
- 5.395 The applicant's environmental consultants originally carried out detailed hydraulic modelling of the Bear Brook and Burcott Brook based on the EA's 2008 strategic scale Upper Thame and Bear Brook hydraulic model. As a result of the EA's updated strategic scale hydraulic model of the Bear Brook and updated EA Flood Map 2018, the applicant has refined the 2018 strategic scale model to create a new 2021 site specific model of the proposed development site, the scope of which was agreed with the EA. The FRA Addendum (November 2021) states that both the strategic scale 2018 EA model and the site specific 2021 Stantec model indicate a greater flood risk along the Drayton Mead Drain along the east of the site, with an increased flood extent adjacent to the canal; and a reduced flood risk extent along the main Bear Brook channel heading into Aylesbury to the west of the site and adjacent to the Grand Union Canal when compared to the 2016 site specific modelling. The 2021 modelling also shows significant changes to Wendover Brook to the south of the site and along the A41. The 2021 model shows significant flooding offsite along the A41 which overtops the A41 opposite Weston Mead Farm, this is due to the updated hydrology increasing the flows from the Wendover Brook. There is also an increase in Flood Zone 3 to the south east along the minor watercourses and reduction in Flood Zone 3 adjacent to the Grand Union Canal (GUC).
- 5.396 The updated modelling results show a reduction in flood levels on site as a result of the proposed development. The proposed ELR(S) will be constructed within the floodplain of the Bear Brook and Burcott Brook. This is unchanged from the 2016 ES and 2017 ES Addendum. Where the ELR crosses the floodplain the road crest would be set at a minimum of the 1:100 year flood level including a 70% allowance for climate change. The road is elevated to cross the Bear Brook, Burcott Brook and Grand Union Canal. It would be approx. 96.5mAOD as it crosses the Burcott Brook, providing 4m clearance above surveyed ground levels. This is an outline application and further details of the construction, including bridges and culverts, would be the subject of condition to be dealt with at the reserved matters submission and discharge of conditions stage.
- 5.397 The details of the ELR(S) flood management scheme (FMS) have changed due to the site specific 2021 modelling; specifically this includes some additional minor landscaping features to direct flow and amended flood risk culvert dimensions. The proposed ELR(S) Flood Management Scheme continues to mitigate the potential effects from the development of the ELR(S), therefore there is no change in the

effects from the March 2016 ES and the April 2017 ES addendum. The measures outlined above will ensure that the road is safe with regard to flood risk and does not increase flood risk to third parties, as set out in the NPPF.

5.398 Policy D-AGT3 of VALP requires that built development should be restricted to flood zone 1. Following the construction of the ELR and the Drayton Mead Ditch flood management the proposal would create a new flood zone profile for the site and flood management measures to mitigate the impact of the development. All of the more vulnerable (residential) and less vulnerable (commercial) built development will be located in the new Flood Zone 1. Water compatible uses such as the sports village and informal open spaces are capable of being located in Flood Zones 1 to 3b. This approach is agreed with the EA. The FRA and Addendum indicates that the areas of increased flood risk are limited to the flood management areas such as the conveyance channel and would be confined to within the red line boundary. The scheme creates minor betterment off-site on the Bear Brook downstream.

5.399 The further FRA Addendum refers to standard guidance on finished floor levels, but provides no more detail. As this is an outline application details of the finished levels and finished floor levels of the new development would be the subject of condition to be dealt with at the reserved matters submission, discharge of conditions stage. It is not reasonable at this stage to require this level of detail as is suggested in representations raised.

5.400 However, as explained above the ES addendum modelling notes that the updated baseline flood risk information (based on the EA Bear Brook Model 2018) indicates a greater risk of flooding from the watercourse to the east of the site (the Drayton Mead Ditch) than was the case within previous assessments. The risk of flooding from the Drayton Mead Ditch requires management to ensure that the development is safe and does not increase risk to third parties. The ES addendum concludes that the new potential effect associated with fluvial flooding from the watercourse can be mitigated through the additional flood management measures set out within the 2021 FRA addendum to manage flood risk from the watercourse to the east of the site. These are referred to below.

5.401 An offline flood storage will be created in the eastern part of the site and a preferential conveyance channel that runs approx. parallel to the east of the ELR in the north east of the site along the site boundary. The additional flood management features include land lowering to create shallow scrapes, land lowering to the west of the ELR to provide additional floodplain storage, landscaping to contain flood water within the conveyance corridor, culverts under the ELR and access roads into the development to maintain flow conveyance, offline floodplain storage to the east of the site and a swale-like conveyance channel for floodwater near College Farm. Elements of this flood management scheme lie within the existing floodplain. The offline flood storage area along the Drayton Mead Ditch can be constructed such that it operates as a wetland and can be designed at a later stage to enhance biodiversity and informal open space. The land use parameter plan has been amended, to create the space for the swale type conveyance features by reducing the footprint of the sustainable drainage basin shown in the north-east.



- 5.402 The updated modelling has led to some scheme refinements, however the conveyance channel, is unchanged from the 2016 FRA. The applicant intends to utilise the retained ditches within the potential scheme, and advises these could be realigned without impacting the efficiency of the design solution. The applicant acknowledges that any watercourse realignment solution would need to be designed to ensure there would be no offsite detriment and provide the same level of protection as the existing watercourses. Opportunities to provide ecological or morphological improvements on the existing situation would also be explored. The outline scheme demonstrates that it is possible to achieve a mitigation regime within the site boundary that does not increase flood risk to third parties on adjoining land which has been verified by the Environment Agency.
- 5.403 Regarding the concerns over the updated flood risk data shown in Hampden Fields and how this might increase flood levels on Woodlands, the EA has confirmed in its consultee response that Aylesbury Woodlands development does not increase flood risk to any third parties. The updated baseline modelling indicates that the Hampden Fields site is at greater risk of flooding than previous models had indicated, but this is under existing 'baseline' conditions. An additional sensitivity analysis of the Hampden Fields consented scheme has been carried out by the applicant; this involved amending the hydraulic model to represent the Hampden Fields Development in the vicinity of the watercourse, raising specific areas so that they are much higher than likely flood levels such that they will not flood. The park and ride, the whole residential plot and the water feature has been raised and an assumption is made that the aforementioned uses will be bunded and isolated from the floodplain. The road running north-south has not been raised as it is assumed that ultimately the road would likely require flood relief culverts to maintain flow connectivity and would need to be raised such that it was above flood level. The sensitivity analysis shows that the ground levels are as existing (as it will be inappropriate to assume and iterate the design of the road) and the flow routes the roads ultimately need to accord with are maintained. Hampden Fields increases flood risk to the Woodlands site by less than 5 millimetres in the baseline and post Woodlands scenarios which has negligible impact on the proposals and proposed flood management measures. The FRA Addendum and analysis confirms that there is no increase to flood risk to the Hampden Fields site as a result of the proposals (ie post development).
- 5.404 Whilst concerns have been raised about the inadequacies of the Digital Terrain Model (DTM) further sensitivity testing and details will be carried out and submitted at the detailed stage. The EA has not raised any concerns about the post development representation within the model.
- 5.405 In relation to the concerns raised that the flood compensation works and raised levels would result in loss of hedgerows and watercourses, there has been a co-ordinated design approach with ecology and landscape to ensure the existing vegetation shown to be retained can be achieved as a result of the flood mitigation and drainage works. The development would not lead to large scale loss of hedgerows and trees and conditions can be secured to require details of levels and protection of trees and hedgerows.

- 5.406 With regards to criteria h, relating to flood defences through a flood alleviation scheme to benefit the wider community, the flood management scheme ensures the development will be safe and there will be negligible off site impact. The Drayton Mead Ditch flood management measures provide opportunities for wetland creation and biodiversity and landscape enhancement. Representation received refers to town wide flood defences to be provided, this “town wide” provision is not a requirement of D-AGT3 criteria h. Criteria h. requires “flood defences through a flood alleviation scheme benefitting the wider community” and provision of SUDS. The proposal provides a flood alleviation scheme and SUDS to mitigate the development and provides some, albeit limited, wider reductions in flood risk. The EA accept the modelling findings which indicate that there is betterment along the Bear Brook, Burcott Brook and Drayton Mead Ditch downstream of the site resulting in some off-site betterment heading into the Aylesbury to the west and north of the canal and there would be benefit to the wider community beyond the site, in accordance with this criterion.
- 5.407 Sequential and exceptions test approach: VALP was the subject of a level 2 Strategic Flood Risk Assessment (SFRA) applying a sequential test and, if necessary, an exception test. He considered that the allocation had been correctly assessed in relation to flood risk. In particular, the VALP Inspector was satisfied that the allocation complies with the NPPF to direct development away from areas of high risk and acknowledges that “it is clear that in order to connect the two specific points [ELR(N) and the A41] it would have to pass through or across areas identified as flood zones 3a and 3b. The Inspector also accepted that a strategic link road would fall within the description of “essential infrastructure” and that it satisfied the exception test given the sustainability benefit to the community resulting in reduced congestion and an improved quality of the town centre environment and that the link road was of strategic importance. For the purposes of plan making and in confirming the allocation and the criteria (h) (i) and (l) to AGT-3 he was satisfied that it passed the sequential and exception test.
- 5.408 Paragraph 166 of the NPPF makes it clear that where planning applications come forward on sites allocated in a local plan through the sequential test, applicants need not apply the sequential test again. However the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage.
- 5.409 The proposal is supported by a Sequential Assessment (SA) submitted for the whole of the development (November 2020) prior to the adoption of VALP and an Exception Test for the ELR(S).
- 5.410 The SA to the VALP considered a search of sites as to whether a site in a reasonably available alternative location was available to provide the necessary amount and type of development when compared to the application site. It demonstrates that there are no sequentially preferable and available sites with a lower risk of flooding that could accommodate a similar amount of development, including the strategic link road and that the sequential test is satisfied. This was before the VALP Inspector and clearly he accepted it’s conclusions in confirming the allocation. Officers also agree

with the applicant's SA's conclusion and consider that the disaggregation of the elements/uses would not deliver the key development and land use requirements of VALP policy and result in a viable development which would deliver the key highway infrastructure requirements in this allocated site. The suggested approach raised in representation received, that the sequential test should disaggregate the uses/elements of development is not therefore considered appropriate. In any event officers draw members attention to the fact that the VALP process has already applied the sequential test to this VALP allocation which means that a further sequential test is no longer required in the consideration of the application as set out in the NPPF

- 5.411 In accordance with the NPPF, and as outlined above, the development proposal also took a sequential approach in the masterplanning for the site which avoids more vulnerable (housing) and less vulnerable (hotel, retail, employment) land uses in areas of higher risk of flooding on the site. Land uses that are classified as more vulnerable and less vulnerable are located in Flood Zone 1. Water compatible uses such as the sports village and informal open spaces are capable of being located in Flood Zones 1 to 3b.
- 5.412 The ES, FRA and addendum and DAS considered a number of alternatives for the route of the ELR and built development. This set out 3 options considered during the master planning process against the baseline flood zones (updated 2020). All 3 routes require crossing of main rivers but option 2 route has the least encroachment into Flood Zone 3, the highest risk of flood. However, option 3 has the greatest proportion of built development located in Flood Zone 1, low probability of flooding. Policy D-AGT3 requires that built development should be restricted to flood zone 1. The analysis confirms that option 3 was identified as the preferred option and has the smallest interaction with the baseline flood extent. It was selected for its wider planning and sustainability benefits. The illustrative masterplan submitted is therefore based on this option. As stated above, the VALP Inspector commented on the options and was satisfied that the road would have to pass through flood zones 3a and 3b. Whilst town/parish councils and representations question development including residential in flood zone 3B and support the re-routing of the ELR, the proposal provides that following the construction of the ELR and the Drayton Mead Ditch management scheme, all the vulnerable and less vulnerable development will be located in flood zone 1, that is after the new flood zones have been established for the site. This approach has been agreed with the EA.
- 5.413 If Phase 1 employment progresses in advance of the ELR and its associated flood mitigation, a temporary compensation storage scheme could be provided. Details of any mitigation would be secured by condition.
- 5.414 The ELR route option outlined in the representation received from HFAG, whilst minimising the length of road passing through the flood plain would have the consequence of reducing the extent of land outside the flood plain available for housing (which the VALP Inspector also pointed out) and provide a longer, less direct, extent of road between the ELR (N) and A41.

- 5.415 In conclusion, it is considered the sequential test has been satisfied during the VALP process and this is further supported and satisfied through the application submission.
- 5.416 The VALP SFRA also addresses the exception test which the Inspector found satisfied with the inclusion of criteria (h), (i) and (l) attached to policy AGT3. In addition, the Planning Statement Addendum accompanying the application includes an Exceptions Test for the ELR(S), leisure and open space (water compatible development) which identifies the sustainability benefits to satisfy the first part of the test. It is considered that the proposed ELR(S) comprises “Essential Infrastructure” as an important strategic transport infrastructure in the form of a link road, reduces congestion, improves the quality of the town centre environment and that there are no other alternative sites where the development could feasibly be provided in order to fulfil the strategic requirements of the Aylesbury Transport Strategy, facilitate the delivery of homes and economic growth. The VALP Inspector agreed. In addition the proposal includes significant areas of open space, recreation and sports facilities thus promoting healthy communities on this allocated site and contributing to the AGT linear park/greenway. Officers consider that these provide wider sustainability benefits to the community that outweigh flood risk and satisfy the first part of the exception test.
- 5.417 The applicant has provided sufficient detail in the FRA and Planning Statement Addendum to demonstrate how the ELR (S) could be made safe for its users for its lifetime and proposes a mitigation scheme within the site that, following the construction of the ELR and Drayton Mead Ditch flood management schemes, would locate all the vulnerable and less vulnerable built development within flood zone 1 and not increase flood risk to third parties. Officers are satisfied that the development would be safe to satisfy part b) of the exception test.
- 5.418 In conclusion, the applicant has provided sufficient information to pass the Exceptions Test to justify the acceptability of the ELR (S) and the water compatible development.
- 5.419 Reservoir and canal flood risk: Policy D-AGT3j relates to the risk of flooding in the event of over topping or breach of the Weston Turville reservoir. The FRA Addendum emphasises that this risk is very small and negligible. The modelling indicates that the expected flood water depths are expected to be below the proposed development platform levels and as such fluvial risk measures are adequate to manage the residual risk of flooding from this source. The residual flood risk from a canal breach was also assessed as being less than fluvial flood levels and therefore any mitigation design based on fluvial flood risk would manage the residual risk of flooding in the unlikely event of a canal breach. The EA has not raised any concern about the approach taken in the FRA.
- 5.420 Surface water drainage: The Flood Risk Assessment Addendum sets out that there has been no change to the surface water drainage strategy as presented in the Flood Risk Assessment (PBA, 32113/4006 Rev.1, March 2016) as part of this 2021 FRA addendum. There has been a change to the land use parameter plan representation of a SuDs feature, but the previous parameter plan included an over-provision of the

footprint of the feature, so has not necessitated a change in the strategy. As mentioned above there is a revision to the proposed attenuation basin in the north-east of the site, however the attenuation volume provided in the previous drainage design was an overprovision and therefore has been refined as part of the updated proposals. The further Addendum to FRA Addendum sets out that the minimum required storage volumes using a 40% allowance for climate change are 19,000m<sup>3</sup>, 16,100m<sup>3</sup> and 8,500m<sup>3</sup> for the western, central and eastern catchments respectively. This is subject to refinement at detailed design stage.

- 5.421 The proposed surface water drainage strategy comprises of swales and/or channels alongside strategic basins, with indicative volumes of 19,700m<sup>3</sup> (western catchment), 10,200m<sup>3</sup> (central catchment) and 4,300m<sup>3</sup> (eastern catchment). A further anticipated storage volume of 13,200m<sup>3</sup> is to be provided across the central and western catchment in strategic basins. The strategic basin located within the central catchment will also provide the necessary storage volumes for the eastern catchment. The FRA further Addendum confirms that both the fluvial flood management measures and SuDS features can be provided to accommodate the cumulative effect of both fluvial flood and SuDS mitigation within this area. For the purposes of integrating SuDS into the landscape it is the LLFA's preference that two attenuation basins are provided within the central catchment. The proposals set out in FRA Addendum demonstrates that the volume provided for in each of the catchment exceeds the required storage under the 1 in 100 year plus 40% climate change allowance storm event. A "whole life" SUDS maintenance plan for the site can be secured by a S106 agreement.
- 5.422 Representation has raised concerns over the lack of details and calculations of attenuation, infiltration features and ground level at this stage. These details will be secured through the reserved matters discharge of condition stage. Whilst representations identify a failure to comply with requirement (i) of the SUDS developer advice note on outline applications re SuDS, the LLFA are satisfied that the information provided is satisfactory at this outline stage and further details can be addressed through conditions.
- 5.423 The FRA, ES and ES Addendums have been reviewed by the Council as the LLFA, Environment Agency and Thames Water. No objections are raised to the proposal subject to conditions.
- 5.424 In addition, as set out in the latest EA's response, details of the proposed flood alleviation scheme (FAS) will be secured through conditions.
- 5.425 The ES concludes that there would not be a significant effect on flooding. The commitment to incorporating flood alleviation measures into the development as well as the detailed flood risk assessment demonstrates that the proposal takes full account of flood risk. The Environment Agency has reviewed the further addendum (Rev E November 2021) and raised no objections subject to the imposition of conditions.

- 5.426 In summary the EA and LLFA have carefully considered the proposed development and Officers consider that having regard to the FRA and further Addendum (Rev E November 2021) and the drainage strategy proposed that the development would be acceptable subject to conditions and SUDs maintenance secured through S106 are required to make the scheme acceptable.
- 5.427 Having regard to the above matters it is considered that the development would provide wider benefit in terms of water quality, ecology and contribute towards the Water Framework Directive and therefore accords with policies I4 and I5 of the VALP and with the NPPF and is accorded moderate weight in the planning balance.
- 5.428 There is a foul sewer crossing the edge of the site which has sufficient capacity to meet the needs of the development and a trunk water main (which requires partial re-routing) which Thames Water has advised has insufficient capacity but which can be addressed through the imposition of a grampian condition to provide impact studies on the existing water supply.
- 5.429 It is considered that subject to the imposition of appropriate conditions, the proposal has measures in place to manage drainage and flooding issues and would be in accordance with VALP policies D-AGT3, I4 and ACNP Policy E4 and the NPPF.

***Supporting high quality communications***

VALP: I6 (Telecommunications)

- 5.430 Policy I6 of VALP seeks developers to have explored the option of providing on-site infrastructure, including ducting to industry standards in any new residential development for efficient connection to existing networks. The NPPF states that advanced high quality communications infrastructure is essential for sustainable economic growth. Paragraph 114 of the NPPF requires Local Planning Authorities' to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communication services. Given the nature and location of the proposed development, it is considered unlikely for there to be any adverse interference upon any nearby broadcast and electronic communications services as a result of the development.
- 5.431 It is noted that telecommunication services are located in all the adjacent highways including New Road and that superfast Broadband is facilitated in Aylesbury and soon in Wendover which will be available to new residents, businesses and schools. This is an outline application which would not be expected to provide this level of detail. A planning condition will ensure that this is adequately addressed within the development at the later stage. It is considered that the development maximises the use of existing capacity in utility services in accordance with VALP policy I6.

### **Amenity of existing and future residents**

VALP: D-AGT3(Aylesbury north of A41), BE3(Protection of the amenity of residents)

ACNP: HQD1(High Quality Design)

WTNP: H2(Development Design in the Neighbourhood Area)

5.432 Policy BE3 Protection of the amenity of residents states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents and would not achieve a satisfactory level of amenity for future residents. Where planning permission is granted, the council will use conditions or planning obligations to ensure that any potential adverse impacts on neighbours are eliminated or appropriately controlled. This policy is consistent with the objectives of the NPPF paragraphs 8 and 130. The ACNP policy HQD1 requires all development in the Parish to have a good standard of amenity for all existing and future occupants. WTNP Policy H2 states that, amongst other things, proposals for development in the neighbourhood area will be supported provided that it does not adversely affect neighbouring properties by way of loss of privacy, daylight, noise, visual intrusion or amenity. In addition, that any new development does not result in the loss of any existing publicly accessible open space.

5.433 At this stage, the matters of the detailed appearance, layout and scale of the proposed development are reserved for approval at a later date (and the submitted layout plans provided are illustrative only). It is therefore not possible to make detailed assessments relating to the direct impacts the new houses would have on existing neighbours or one another (or indeed the impact that other matters such as the landscaping proposals or lighting of the site may have).

5.434 However, the indicative details submitted show a layout which following discussions has been amended to work more sympathetically with the existing College Farm boundary extent and that provides a buffer zone between and the proposed residential properties and commercial business units and external areas such that it is considered should ensure that no adverse overlooking between properties should occur and that acceptable amounts of amenity spaces and agricultural farmland could be achieved. Therefore, it is considered that the scheme could be designed at a detailed stage so as to ensure that the amenities of future occupants would not be adversely affected. Noise and disturbance issues are covered earlier in this report.

5.435 The ES identifies that there are a number of individual dwellings or groups of dwellings that form the closest residential receptors that could be affected by the proposed development, including the construction works involved. The ES has considered whether the development would result in significant environmental impacts in regards to noise, air quality and visual amenity, and the magnitude and duration of these effects upon the residential receptors. These dwellings are located at College Farm, Aston Clinton Road, Weston Mead Farm, Merrymead Farm, Red House (College Road North), New Road, Richmond Road, Broughton Lane, Manor Farm/Old Manor Farm, Oak Farm, Normill Terrace, Bierton and Burcott and Upper Ickneild way.

- 5.436 Of the above dwellings, the ES identifies that there are no significant impacts (from construction or in year 15 when the development is operational) in respect of air quality or noise, as a result of the proposals (subject to mitigation measures). Therefore, the development would not cause unreasonable harm to the amenity of residents with respect to air quality or noise matters. A condition would be required to secure a Construction Management Plan to ensure any impact or disturbance is minimised during construction.
- 5.437 As noted earlier in this report, the ES chapter has assessed the impact on the visual amenity of nearby residents and assessed that there would only be significant and permanent adverse effects on three properties or groups (College Farm; Manor Farm; Old Manor Farm; and dwellings on Upper Icknield Way). However, the development proposals which includes imbedded mitigation is duly mindful of these dwellings and the sensitive offsetting of buildings along with structural buffer planting illustrated in the GI Strategy means that no unreasonable harm would accrue to any aspect of the amenity of these nearby residents, including light, privacy and outlook, and would result in some benefit such as access to local public space.
- 5.438 Subject to an appropriate layout and scale of development, it is considered that the proposed development would not result in any significant loss of light or overshadowing, or privacy, in respect of neighbouring properties given the substantial distances between the development and the existing properties. Although there will be some impact from during the construction phase a condition can require the submission of a Construction Management Plan (CEMP) to ensure that amenities are adequately protected. It is therefore considered that at the detailed stage the proposal could be designed so as to accord with policy BE3 of VALP policy, HQD1 of the ACNP, policy H2 of the WTNP.

### **Building sustainability**

VALP: C3 (Renewable Energy), T8 (Electric Vehicle Parking)

- 5.439 Policy C3 encourages the use of renewable energy development and the achievement of greater efficiency in the use of natural resources, including measures to minimise energy use, improve water efficiency and promote waste minimisation and recycling. It seeks to achieve an energy hierarchy and feasibility assessment for district heating, cooling technologies such as combines heat and power and biomass on developments of 100 residential dwellings or more. It also seeks to secure at least 10% of energy from decentralised or renewable or low carbon sources.
- 5.440 The NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
- 5.441 A Predicted Energy Demand (PED) model has been developed for the proposed development and this model estimates the heating and electricity requirements of the development along with the associated carbon emissions. The energy model



shows that the Predicted Energy Demand of the proposed development is approximately 12,660 MWh of electricity (regulated and unregulated) and 22,523 MWh of heat. The total annual carbon emissions associated with the PED is approximately 11,436 tonnes CO<sub>2</sub>, of which approximately 7,100 tonnes are associated with regulated use.

- 5.442 The Energy Statement confirms that the development proposals will adopt the nationally recognised energy hierarchy of reducing demand, using energy more efficiently and, only then, providing clean, renewable energy, if required. In conjunction with the energy hierarchy approach, a series of design principles have been adopted within the master- planning process and in building design to both passively and actively reduce energy demand and increase energy efficiency. The sustainability statement and energy statement confirm that the proposed development will comply with the requirements in Part L of the Building Regulations .
- 5.443 The Energy Strategy states that the masterplan incorporates measures to passively reduce the energy demand of the development, including through the incorporation of extensive green infrastructure network. At the detailed stage, the applicant confirms that passive and active measures will be considered in the design of buildings to further reduce energy requirements and carbon emissions. The Energy Strategy identifies the site-wide energy generation proposals could include wind, gas powered turbines, electrical storage, district heating at Combined Heat and Power (CHP). The applicant has also identified building specific renewable energy technologies including photovoltaic panels, solar water heating, Air Source Heat Pumps (ASHPs), Ground Source Heat Pumps (GSHPs) and Biomass, which would comprise design measures which would enable the housing to deliver a sustainable design. The full details can be conditioned to ensure that the proposed development is carried out in accordance with an approved energy statement.
- 5.444 The gas mains medium pressure network will serve the site and the overhead cables crossing the site will be diverted underground as part of the development which will contribute to power grid reinforcement which will bring town-wide benefit.
- 5.445 The development would be required to include electric charging points to comply with policy T8, in addition details of high water use efficiency will be required. These would be secured by conditions as such the development would accord with Policy C3 and of the VALP and with the NPPF in this regard.

### **Infrastructure and Developer Contributions**

VALP: D-AGT3(Aylesbury north of A41), H1 (Affordable Housing), H6b (Housing for older people), BE2(Design of New development), BE3 (Protection of the amenity of residents), NE1(Biodiversity and Geodiversity), NE8(Trees, Hedgerows and Woodlands), S5(Infrastructure), T1 (Delivering the sustainable transport vision), T3 (Supporting local Transport Schemes), I1 (Green Infrastructure), I2(Sports and recreation), I3 (Community facilities and assets of community value).

ACNP: H3(Affordable Housing), H4 (Housing for Older people) H5 (mix of Housing), B3(Business – New employment opportunities), HQD 1(High Quality Design), HQD 2(High Quality Design), T1(Transport – Traffic mitigation), T2(Transport-Encourage walking& cycling), L2(Leisure -Public open spaces, footpaths, cycle & bridleways).

WTNP: HE1(Weston Turville Settlement Boundaries), HE2(Development Design in the Neighbourhood), H4 (Housing mix and Tenure), T1 (improvements to road safety and ease traffic congestion), T2 (Strategy for improving pedestrian and cycle connections within the Parish and to surrounding areas), T3 (Encourage better planning of public transport), E3 (Biodiversity).

5.446 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured as set out above within a section 106 agreement: namely financial contributions towards provision of land for on site primary education facilities and financial contribution towards primary and secondary education facilities (including a deferral/reduction of the secondary level contribution and review mechanisms to secure an increase in education contributions subject to viability), on-site provision of land to be made available for use as sports village facilities, athletes accommodation and hotel/conference, on-site provision of affordable housing, custom built/self build housing and extra care units, (including review mechanisms to secure an increase in affordable housing subject to viability), SUDS provision and maintenance, design codes, on-site provision of land for a health centre, provision and maintenance of on site public open space, recreation and play areas and landscaping, on site and off-site biodiversity enhancement scheme, on-and off-site highways works/road infrastructure works, travel plans and sustainable transport measures (and/or financial contributions thereto) on-site provision of land for employment use, local centre and canal side leisure facilities, together with a phasing strategy, bonds and monitoring fees.

5.447 It is considered that such requirements would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests: necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

5.448 In the context of this application the development is in a category to which the regulations apply. The requirement for all of the above named measures being sought, if the proposals were to be supported, would need to be secured through a

Planning Obligation Agreement and this is assumed in the planning balance. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development.

5.449 The applicant has confirmed that he is willing to enter into a legal agreement.

## **6.0 Weighing and balancing of issues / Overall Assessment**

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
  - a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations.
- 6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.3 VALP is an up to date adopted local plan and the proposal accords with VALP policies and the NPPF.
- 6.4 Special regard has been given to the desirability of preserving the setting of nearby listed buildings and the conclusion is that the proposal would preserve the setting of those listed buildings and structures.
- 6.5 The development would meet policy D-AGT3 specific requirements relating to a landscape led approach, landscape buffer, open space requirements, drainage and flood mitigation, walking and cycle links, community infrastructure, and biodiversity including a biodiversity net gain. The proposals comply with VALP policy and the NPPF relating to trees and hedgerows, parking and access, promoting sustainable transport relating to cycling, walking and public transport, public rights of way, meeting the challenge of climate change, and conserving and enhancing the natural environment, flood risk, archaeology, well-designed places and design, healthy and safe communities, contamination, air quality, and residential amenities.

- 6.6 Although, there would be harm to the character of the landscape and visual impacts, the proposal includes mitigation measures that minimise the impact of the development and ensure the development is sensitive to the site context in accordance with VALP policy D-AGT3. The development would result in loss of BMV agricultural land which was considered at the VALP allocation stage.
- 6.7 The proposal would deliver a very significant level of new homes and make a valuable and significant contribution to the Council's medium to long term housing land supply, and affordable housing with a proportion of self/custom build according to demand. It would deliver the enterprise zone, create significant economic benefits as a result of population growth and investment in construction and the local economy/businesses.
- 6.8 The proposal is acceptable on highway grounds, subject to a number of mitigation works to be secured as part of the S106 and conditions. The Highway Authority is satisfied that the development will not have a severe cumulative residual impact on the highway network and not have an unacceptable impact on highway safety and as such, whilst it is recognised there would be some adverse impact from the development, with appropriate mitigation the harm would not only be addressed but create some betterment on a standalone and cumulative basis. The provision of the Eastern Link Road (ELR) at Woodlands is a fundamental part of the long-term vision to deliver a partial orbital route around Aylesbury completing the link from the A418 via Kingsbrook to the A41, and link to the SLR. The development would make financial contributions towards the SEALR and deliver major strategic benefits to the town highway network.
- 6.9 Special regard has been given to the desirability of preserving the setting of nearby listed buildings and the conclusion is that the proposal would preserve and not harm the nearby listed buildings and structures. Having regard to this there is no reason for refusal on this ground.
- 6.10 The site lies in flood zone 1, 2 and 3 as existing and the proposal would create a new flood zone profile for the site and flood management measures to mitigate the impact of the development and would not increase flood risk elsewhere or to third parties. Whilst the EA had objected to the 2020 submission, there has been considerable scrutiny of the modelling and information provided in the ES and FRA over the intervening period and these matters are now addressed and the EA raise no objection, and the proposal passes the sequential and exception tests in accordance with VALP requirements
- 6.11 This assessment identifies that various s106 planning obligations would need to be secured to make the scheme acceptable and mitigate its impact in accordance with relevant Development Plan policy and guidance as well as the NPPF if the council was minded to approve the application. These obligations are set out in section 5 below.
- 6.12 It is considered that the proposal accords with the up to date Development Plan and there are no material considerations to indicate a decision other than in accordance with the Development Plan.

- 6.13 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society.

#### Prematurity

- 6.13 Since the representations were made on prematurity and predetermination, VALP has now been adopted and the issue of prematurity and predetermination has been overtaken and is no longer relevant in the context of VALP.

### **7.0 Working with the applicant / agent**

- 7.1 In accordance with paragraph 38 of the NPPF the Council approaches decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and works proactively with applicants to secure developments.
- 7.2 The Council works with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance:
- The agent and applicant were updated of issues and consultee concerns and provided opportunities to submit further information to address these
  - The application was considered by the Strategic Sites Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **8.0 Recommendation**

- 8.1 The officer recommendation is that the application be Deferred and Delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory completion of a S106 agreement to secure the requirements as set out in the report and subject to conditions broadly in accordance with the details set out in the report and as considered appropriate by Officers, or if these are not achieved for the application to be refused for such reasons as officers considers appropriate.

#### **Suggested Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - a. Site Location Plan: edp2524\_02j
  - b. College Road North Highway Access drawing: 32113\_2015\_001C

Reason: To ensure a satisfactory form, layout, scale and appearance to the development and to comply with policies HQD 1, HQD 2 , T1, T2, LC2 of Aston Clinton Neighbourhood Plan, policies H2, T1, T2, T3 of the Weston Turville Neighbourhood Plan, policies D-AGT3,

D1, D6, T1, T2, T3, BE2, BE3, I1, I2, I3, T1, T2, T3 of the Vale of Aylesbury Local Plan , the National Planning Policy Framework, the Environmental Statement and Addendum.

2 The development hereby permitted shall be carried out in substantial accordance with the following plans and documents:

- a. Parameter Plan 1 Land Use and Amount: edp2524\_52n
- b. Parameter Plan 2 Access and Movement: edp2524\_54k
- c. Parameter Plan 3 Residential Density: edp2524\_55h
- d. Parameter Plan 4 Maximum Heights: edp2524\_56j
- e. Parameter Plan 5 Minimum Heights: edp2524\_57h
- f. Parameter Plan 6 Phasing: edp2524\_98e
- g. The Environmental Statement March 2016 Volumes 1, 2 and 3 and the Environmental Statement Addendum April 2017 and further Environmental Statement Addendum November 2020 .

Reason: To ensure a satisfactory form, layout, scale and appearance to the development and to comply with policies HQD 1, HQD 2, T1, T2, LC2 of Aston Clinton Neighbourhood Plan, policies H2, T1, T2, T3 of the Weston Turville Neighbourhood Plan, policies D-AGT3, D1, D6, T1, T2, T3, BE2, BE3, I1, I2, I3, T1, T2, T3 of the Vale of Aylesbury Local Plan ,the National Planning Policy Framework, the Environmental Statement and Addendum.

3 An over-arching phasing plan for the development shall be submitted to and approved by the Local Planning Authority prior to the first reserved matters application being submitted for any phase beyond phase 1, as shown on the approved phasing parameter plan edp2524\_98e. The phasing plan will identify the location of all phases and sub-phases , including the Sports Village Land and permanent landscaping/amenity areas. Thereafter, no development shall take place other than in accordance with the approved over-arching phasing plan.

Reason: To ensure a satisfactory form, layout, scale and appearance to the development and to comply with policies HQD 1, HQD 2, T1, T2, LC2 of Aston Clinton Neighbourhood Plan, policies H2, T1, T2, T3 of the Weston Turville Neighbourhood Plan, policies D-AGT3, D1, D6, T1, T2, T3, BE2, BE3, I1, I2, I3, T1, T2, T3 of the Vale of Aylesbury Local Plan the National Planning Policy Framework, the Environmental Statement and Addendum.

4 Approval of the details of the access (except the access from College Road North), layout, scale, appearance of any part of the development and the landscaping associated with it within each phase or sub phase of the development hereby permitted, ('the reserved matters') shall be obtained in writing from the local planning authority before that part of the development is commenced within that phase or sub phase. The development shall not be carried out otherwise than in accordance with the approved details relating to that phase or sub phase.

Reason: To comply with Article 5 of the Town and Country Planning (Development Management Procedure Order 2010).

## Reserved Matters and Implementation

- 5 Application for approval of the reserved matters in respect of the first phase or sub-phase (as shown on the Phasing Plan to be submitted and approved under condition 3) of the development hereby permitted shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 6 Application for approval of the reserved matters in respect of all subsequent phases and sub phases of the development hereby permitted shall be made to the Local Planning Authority before the expiration of 15 years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Council to review the suitability of the development in the light of the altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 7 The first phase or sub phase of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of that phase or sub phase, whichever is the later.

Reason: To prevent the accumulation of planning permissions; to enable the Council to review the suitability of the development in the light of the altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 8 Subsequent phases or sub phases of the development hereby permitted shall be begun either before the expiration of 17 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved in respect of that phase or sub phase, whichever is the later.

Reason: To prevent the accumulation of planning permissions; to enable the Council to review the suitability of the development in the light of the altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 9 Plans and details submitted for each phase or sub phase of the development pursuant to Condition 4 shall include the following details and shall only be carried out in accordance with the approved details relating to that phase or sub phase to which it relates unless otherwise agreed in writing by the Local Planning Authority:

- a) Any proposed access road(s) including details of horizontal and vertical alignment;
- b) Any existing access points within the application site that are not required for the development and which are proposed to be closed when new accesses forming part of the development are brought into use;

- c) The layout, specification, drainage and construction programme for
  - (1) any internal roads not covered by a) above,
  - (2) footpaths and cycleways,
  - (3) parking, turning and loading/unloading areas, visibility splays, (4) cycle parking areas,
  - (5) cycle storage facilities and
  - (6) access facilities for the disabled and
  - (7) individual accesses;
- d) The materials to be used on the external faces of all the buildings to which the details relate;
- e) The positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
- f) Details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon;
- g) Contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
- h) A waste strategy including details of bin and recycling storage;
- i) Details of any external lighting to any building(s), parking loading/unloading or manoeuvring areas, roads, footpaths, green ways and open space areas, including outdoor sport facilities;
- j) Housing mix delivery plan / scheme providing details of the housing unit mix for the relevant development parcel.
- k) a scheme for the provision of dedicated electric charging points including type and location. As a minimum, the details shall include confirmation of the electrical supplies to be used (a minimum of 3.7kw 16A is required) and type of EV charger (fast or slow charging)

Reason: To ensure a satisfactory form, layout, scale and appearance to the development and to comply with policies HQD 1, HQD 2, H5, LC2 of Aston Clinton Neighbourhood Plan, policies H2, H4, T1, T2, T3, E3, C3, of the Weston Turville Neighbourhood Plan, policies D-AGT3, BE2, BE3, I1, I2, I3, I4, NE2, NE4, NE8, C4, T6, T7, T8, H6a of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

## **Design Codes**

10. Design Codes shall be submitted for the following components/phases of development:

- The Woodlands Roundabout Improvements
- The Eastern Link Road South (ELR(S))
- Employment Zone (covering the areas within Phase 1 and Subsequent Phases)
- Residential Area including associated landscape, open spaces and amenity areas;
- Local Centre
- Sports Village
- Canal-side Leisure Uses



Prior to the submission of the first reserved matters application for the relevant phase or sub-phase, a plan showing the extent of the relevant detailed Design Code Area for that phase/sub-phase shall be submitted and approved in writing by the Local Planning Authority. No reserved matters application in respect of any development parcel within each detailed Design Code Area shall be submitted until a detailed Design Code for that Area has 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 Conditions 1 and 2 above. The development hereby permitted shall be carried out in accordance with the approved Design Codes. The Design Codes shall where appropriate include the following:

- a) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using locally sourced and recycled construction materials;
- b) principles for accessibility to buildings and public spaces for the disabled and physically impaired;
- c) principles for sustainable design and construction, in order to achieve a high standard of environmentally friendly and energy efficient design for all buildings, maximising passive solar gains, natural ventilation, water efficiency measures and the potential for home composting and food production;
- d) measures which show how energy efficiency is being addressed to reflect policy and climate change, and show the on-site measures to be taken to produce a proportion of the energy requirements of the development hereby permitted by means of renewable energy sources, in accordance with the Energy Statement to be submitted and approved pursuant to condition 21 below ;
- e) principles for built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
- f) principles for hard and soft landscaping including the inclusion of important trees and hedgerows;
- g) structures (including street lighting, floodlighting and boundary treatments for commercial premises, street furniture and play equipment);
- h) design principles for the public realm, areas of public open space, areas for play, the allotments and orchards;
- i) open space needs including sustainable urban drainage;
- j) principles for conservation of flora and fauna interests;
- k) a strategy for a hierarchy of streets and spaces;
- l) principles for alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, bridleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
- m) principles for on-street and off-street residential and commercial vehicular parking and/or loading areas;
- n) principles for cycle parking and storage;
- o) principles for means to discourage casual parking and to encourage parking only in designated spaces;
- p) principles for integration of strategic utility requirements, landscaping and highway design.

Reason: To ensure a satisfactory form, layout, scale and appearance to the development and to comply with policies HQD 1, HQD 2, LC2 of Aston Clinton Neighbourhood Plan, policies H2, T1, T2, T3, E3 of the Weston Turville Neighbourhood Plan, policies D-AGT3, D1, D6, T1, T2, T3, BE2, BE3, I1, I2, I3, C3, NE1, NE4, of the Vale of Aylesbury Local Plan, the National Planning Policy Framework, the Environmental Statement and Addendums.

## Landscaping and Trees

- 11 The landscaping scheme approved under Condition 9 for each phase or sub-phase of development shall be carried out in accordance with an implementation programme which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development of that phase or sub phase.

Reason: In the interests of the visual amenities of the locality and to comply with policies HQD 1 of Aston Clinton Neighbourhood Plan, policy H2 of the Weston Turville Neighbourhood Plan, policy BE2, NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 12 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to comply with policies HQD 1 of Aston Clinton Neighbourhood Plan, policy H2 of the Weston Turville Neighbourhood Plan, policy BE2, NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 13 The particulars submitted pursuant to Condition 9 above shall include:
- a) a plan showing the location of, and allocating a reference number to, each existing tree on a relevant phase or sub-phase of development which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, or in the case of woodlands or substantial groups with a stem diameter exceeding 150mm showing which trees are to be retained and the crown spread of each retained tree, and hedgerows to be retained;
  - b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the relevant Phase and to which paragraphs (c) and (d) below apply;
  - c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the relevant Phase or sub-phase of development;
  - d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any

retained tree or of any tree on land adjacent to the relevant Phase or sub-phase of development;

e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree and hedgerow from damage before or during the course of development of that relevant Phase or sub-phase of development.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above. The protection measures referred to above shall be maintained throughout the whole period of site clearance, excavation and construction in relation to the relevant Phase or sub-phase of development; to which it relates.

The protection measures for a referred to above shall be maintained throughout the whole period of site clearance, excavation and construction in relation to that Phase or sub-phase of the development to which it relates.

Reason: In order to ensure that damage does not occur to the trees during building operations and to comply with policies HQD 1 of Aston Clinton Neighbourhood Plan, policy H2 of the Weston Turville Neighbourhood Plan, policies BE2, and NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 14 No building within the development hereby permitted shall be occupied until the boundary treatment relating to it, as indicated on the plans which shall have been approved under condition 9 above, has been constructed/erected. Such boundary treatment shall thereafter be retained.

Reason: In the interests of the visual amenities of the locality and to comply with policies HQD 1, HQD 2 of Aston Clinton Neighbourhood Plan, policy H2 of the Weston Turville Neighbourhood Plan, policies BE2, BE3 and NE8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

### **Slab Levels**

- 15 Prior to the commencement of development on each phase or sub-phase of the development, details of the finished floor levels for that phase or sub-phase of the development shall be submitted concurrently with the reserved matters application that it relates to and approved in writing by the Local Planning Authority and shall include full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out in accordance with the approved level details.

Reason: To accord with policies HQD 1, HQD 2 of Aston Clinton Neighbourhood Plan, policy H2 of the Weston Turville Neighbourhood Plan, policies BE2, BE3 and I1 of the Vale of Aylesbury Local Plan and the principles of the National Planning Policy Framework

## Drainage and SUDS

16 The reserved matters application(s) shall include a detailed surface water drainage strategy based on the agreed Flood Risk Assessment (PBA, 32113/4006 Rev.1, March 2016), Flood Risk Assessment Addendum (ref. FRA Addendum E dated November 2021). The scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be maintained thereafter. The scheme shall include:

- Discharge rate for the western catchment will be limited to 69.7l/s (3.28l/s/la) or less;
- Discharge rate for the central catchment will be limited to 42.9l/s (2.5l/s/ha) or less;
- Discharge rate for the eastern catchment will be restricted to 31.2l/s (3.28l/ha) or less;
- Attenuation storage volume calculations should use the FEH rainfall method;
- Ground investigations including:
  - Infiltration rate tests in accordance with BRE365;
  - Groundwater level monitoring over the winter period of October to March, particularly in the locations of the surface water drainage network storage components as indicated on Outline Surface Water Drainage Strategy (drawing no. 32113/2016/001 Rev. B);
- Where necessary, ground investigations should inform the need for flotation calculations and where required these calculations should be based on observed groundwater levels;
- Detailed drainage layout including levels, gradients, dimensions, pipe reference numbers and storage volumes of all SuDS features;
- Full construction details of each SuDS feature including dimensions, design, water levels and gradients, as well as details of control structures;
- SuDS features such as (but not limited to) open drainage channels (swales and vegetated rills) and strategic attenuation basins along with an assessment of all SuDS components and their suitability for the inclusion in the surface water drainage strategy for the development with justification provided for their exclusion;
- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS
- components;
- Surface water drainage features to be located outside of areas shown to be at risk from
- surface water flooding;
- Cross sections of linear storage features to show that features have a minimum of 1:2 slope gradient;
- Basins will be designed to have a minimum side slope of 1:3 and a vegetated shelf which is set to the 1 in 30 year water level. The basins will also include a 300mm freeboard for exceedance events;
- Details of any phasing of construction;
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site;
- Details of overland flood flow routes in the event of exceedance or failure of the drainage system, with demonstration that such flows up to the 1 in 100 year storm plus

an appropriate climate change allowance can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;

- Drainage strategy must demonstrate how surface water is managed during fluvial flood events on the Bear Brook. It should demonstrate that surface water runoff from the proposed development can still be controlled and that the development does not flood from surface water flooding during fluvial flood events with a range of durations

Reason: To prevent the increased risk of flooding on the site and elsewhere as a result of the proposed development in accordance with the National Planning Policy Framework through the implementation of adequate surface water drainage, to maximise ecological gains in line with the National Planning Policy Framework, and to contribute towards water quality improvements. The reason for this pre-start condition is to ensure that there is a satisfactory solution to managing flood risk which prioritises the use of sustainable drainage systems in accordance with the National Planning Policy Framework.

- 17 The reserved matters application(s) for the strategic link road connecting with the ELR (N) and the A41 Aston Clinton Road shall include a detailed surface water drainage strategy based on the agreed Flood Risk Assessment (PBA, 32113/4006 Rev.1, March 2016), Flood Risk Assessment Addendum (ref. FRA Addendum E dated November 2021). The scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be maintained thereafter. The scheme shall include:
- Prioritise above ground SuDS measures where possible
  - Ground investigations including:
    - Infiltration rate tests in accordance with BRE365;
    - Groundwater level monitoring over the winter period of October to March, particularly in the locations of the surface water drainage network storage components as indicated on Outline Surface Water Drainage Strategy (drawing no. 32113/2016/001 Rev. B);
  - Where necessary, ground investigations should inform the need for flotation calculations and where required these calculations should be based on observed groundwater levels;
  - Discharge rates
    - Limited to existing greenfield runoff rates for all new impermeable areas
    - Existing impermeable areas associated with the A41 Roundabout should not exceed the existing discharge rate and where possible, must be as close as reasonably practicable to the greenfield runoff rate
  - Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index
  - Detailed drainage layout including levels, gradients, dimensions, pipe reference numbers and storage volumes of all SuDS features;
  - Cross sections of linear storage features to show that features have a minimum of 1:2 slope gradient;
  - Basins will be designed to have a minimum side slope of 1:3 and a vegetated shelf which is set to the 1 in 30 year water level. The basins will also include a 300mm freeboard for exceedance events;
  - Full construction details of each SuDS feature including dimensions, design, water levels and gradients, as well as details of control structures;

- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site;
- Drainage strategy must demonstrate how surface water is managed during fluvial flood events on the Bear Brook. It should demonstrate that surface water runoff from the proposed development can still be controlled and that the development does not flood from surface water flooding during fluvial flood events with a range of durations
- Details of overland flood flow routes in the event of exceedance or failure of the drainage system, with demonstration that such flows up to the 1 in 100 year storm plus an appropriate climate change allowance can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;

### **Water and waste water networks**

- 18 No development shall be occupied in a phase until confirmation has been provided to the local planning authority that the scheme and programming of any wastewater and water network upgrades required to accommodate the additional flows from the relevant phase have been agreed with Thames Water; or all wastewater and water network upgrades required to accommodate the additional flows from the relevant phase have been completed. The development shall be carried out in accordance with the approved details.

Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with policy I5 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 19 No construction shall take place within 5m of the strategic water main in so far that it runs through the site. If the developer proposes to divert this asset, then information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority. Any construction comprising the diversion of this asset must be undertaken in accordance with the terms of the approved information. Unrestricted access to the strategic water main must be available at all times for Thames Water and its agents for purposes of the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure in accordance with policy I5 of Vale of Aylesbury Local Plan and the National Planning Policy Framework.

### **Landscape and Ecological Management Plan**

20. Before any phase or sub-phase (as defined in the approved overarching phasing plan to be approved under condition 3) shall take place (including demolition, ground works, vegetation clearance) of the development hereby permitted is commenced, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be

approved in writing by, the local planning authority for that phase. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) An updated Biodiversity Net Gain Calculation which has regard to the individual phase of the development and overall net gain delivery on other phases being delivered across the whole of the development.
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details and shall be based upon the mitigation and enhancement measures contained within the Environmental Statement and ES Addendums (2016, 2017 and 2020) and the Aylesbury Woodlands Biodiversity Strategy (dated 2<sup>nd</sup> November 2020). The LEMP shall thereafter be carried out as approved.

Reason: To address the ecological impacts of the development and to provide net biodiversity gains in accordance with policies S1, NE1 of Vale of Aylesbury Local Plan, with the National Planning Policy Framework.

## **Energy**

21. Prior to the submission of the first reserved matters application for the development (excluding the Eastern Link Road South which for the avoidance of doubt includes the Woodlands Roundabout Improvements), the developer shall submit an energy statement for the associated development phase to demonstrate how the low energy sources will be utilised to meet both Part L Building Regulations Requirements and the energy target of 10% of the proposed development's energy demand being served using on-site renewable energy sources, shall be submitted and approved in writing by the local planning authority. The reserved matters application for each phase or sub phase of the development submitted pursuant to Condition 4 shall be in accordance with the approved energy statement for that phase or sub phase of the development and shall include details of physical works within that phase or sub phase of the development and a timeframe for their provision. The statement shall include and assess the feasibility of the following:
  - a) measures to reduce energy use in particular by the use of sustainable

design and construction

- b) supplying energy efficiently and giving priority to decentralised energy supply
- c) making use of renewable energy
- d) making use of allowable solutions
- e) use of rainwater harvesting measures

The development shall be carried out in accordance with the approved details and timeframe and subsequently retained in operation

Reason: To achieve a highly efficient and sustainable form of development and to accord with policy C3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

### **Archaeology**

22 (1) Prior to the submission of any reserved matters applications for each phase or sub-phase of the development, the developer shall undertake an archaeological evaluation of that phase or sub-phase in accordance with a written scheme of investigation to be submitted and approved by the Local Planning Authority prior to commencement of any works within the relevant phase or sub-phase, and to be based on the recommendations of the MOLA report appended to the ES (March 2016) and ES Addendum (April 2017 as amended November 2020 ) and listed in condition 1 above.

(2) Following completion of the evaluation, if important archaeological remains are found, an archaeological mitigation strategy for that phase or sub-phase shall be submitted to the Local Planning Authority for its approval in writing and the detail of the reserved matters applications for that phase or sub-phase shall take into account the findings and recommendations of the approved strategy such as to minimise damage to the remains.

No ground disturbance or other development works shall take place, unless authorised in writing by the Local Planning Authority, each phase or sub-phase until a programme of archaeological work has been secured and implemented for that area in accordance with the approved mitigation strategy and/or written scheme of investigation.

Reason: To preserve archaeological remains and to conserve the historic environment in accordance with the provisions of Policy BE1 of the Vale of Aylesbury Local Plan and Section 12 of the National Planning Policy Framework.

### **High Speed Broadband**

23 Prior to the commencement of development (excluding the Eastern Link Road South which for the avoidance of doubt includes the Woodlands Roundabout Improvements) on the highway network in each phase or sub phase of the development details of measures to facilitate the availability of high speed broadband connection to the occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the buildings to which it relates.



Reason: For the avoidance of doubt and to support high quality communications in accordance policy I6 of the Vale of Aylesbury Local Plan and with the National Planning Policy Framework.

**Noise Mitigation**

24 Prior to the commencement of development on the Eastern Link Road South (ELR(S)), details of an acoustic barrier to be provided at the canal crossing on both sides of the road in accordance with the Environment Statement shall be submitted in writing to, and approved by, the Local Planning Authority. The approved details shall be installed prior to the Eastern Link Road South (ELR(S)) being brought into public use and shall thereafter be retained as approved unless otherwise altered for routine maintenance or repair purposes which do not change its details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

25 Prior to the commencement of construction of any dwelling in any phase or sub phase of the development, a written noise impact assessment, together with proposals for any necessary mitigation measures, for the dwellings in that phase or sub phase shall be submitted in writing to, and approved by, the Local Planning Authority. The report will demonstrate that with appropriate mitigation, where required, that internal and external noise levels specified below will not be exceeded in dwellings on, or directly affected by development on other phases or sub phases within, the development.

Location	Daytime	Night time
	07:00 to 23:00	23:00 to 07:00
Living Room	35db LAeq,16hr	
Dining Room	40dB LAeq,16hr	
Bedroom	35dB LAeq,16hr	30dB LAeq,8hr 45dB LAm <sub>ax</sub> - no more than 10x per night.

Where it is necessary to rely on closed windows to achieve the above internal noise levels then an alternative adequate means of ventilation, meeting the requirements of building regulations approved document F, shall be provided that does not compromise the façade insulation or the resulting internal noise level.

Noise levels in external amenity spaces provided for the sole use of the occupiers of the dwellings shall not exceed 55dB LAeq,16hr.

Any agreed mitigation measures required to meet the internal and external noises standards specified above shall be fully implemented prior to the first occupation of the

dwellings to which the measures relate, and the mitigation measures shall be retained as such for the duration of the residential use of those dwellings.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and to comply with policy BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

26. Prior to the installation on non –residential buildings of any plant or equipment that either exhausts to, ventilates from or is located on, the outside of that premises an assessment will be carried out in accordance with the requirements of BS 4142:2014+A1:2019. This assessment will show that with appropriate mitigation, if required, the rating level (LArTr) of the noise emitted from any individual unit of plant or equipment as measured, or calculated at the nearest residential receptor, shall be at least 5dB below the background noise level (LA90T). Where multiple units of plant or equipment are to installed on any premise or collocated next to plant or equipment on adjacent premises, the assessment will show that the combined rating level of all the plant or equipment does not exceed the background noise level. Any mitigation required to meet this condition shall be installed prior to first use of that equipment and thereafter maintained.

Reason: To protect the amenity of the locality, especially for people living and/or working Nearby and to ensure a satisfactory form of development and to comply with policy BE3 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

### **Contamination and Remediation**

27. Prior to the commencement of any phase or sub-phase of development approved by this planning permission a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority. The agreed remediation works within that phase or sub-phase shall be fully completed before any other construction work commences.
- a) The contaminated land assessment shall include a Phase 2 intrusive ground investigation as recommended within the Ground Conditions Desk Study report, reference: 32113/3501, written by Peter Brett Associates LLP. This must include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
  - b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. The Local Planning Authority shall approve in writing such remedial works as required prior to any remediation works commencing on site.

Reason: To ensure that the potential contamination of the site is properly investigated, the risks to the planned end user group(s) quantified, and its implication for the development approved fully taken into account in accordance with policy NE5 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework. This is required prior to the commencement of development to avoid any unnecessary risk of introducing new contamination pathways or enabling contamination to be disturbed and further distributed as a result of any works being undertaken on the site that may cause potential harm to human health, property and the wider environment.

28. Prior to the first occupation or use of any part of the phase or sub-phase of development, the agreed approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

If during the works contamination is encountered which has not previously been identified then this additional contamination shall be fully assessed in accordance with the requirements of Condition 26 (b) above and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Prior to the first occupation or use of any part any phase or sub-phase of development, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the completed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to demonstrate that the site has reached the required clean-up criteria shall be included in the validation report together with documentation detailing the type and quantity of waste materials that have been removed from the site.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user group(s) minimised in accordance with policy N5 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework

### **Construction Environmental Management Plan (CEMP)**

29. Before each phase or sub-phase of the development (as identified on the relevant phasing plan approved pursuant to Condition 3 of the development (including demolition, ground works, vegetation clearance) hereby permitted is commenced, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority for that Phase or sub-phase. The CEMP (Biodiversity) shall include, where applicable for that phase or sub-phase of the development, the following:

- a) an implementation programme
- b) Risk assessment of potentially damaging construction activities.
- c) Identification of “biodiversity protection zones”.

- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.

Each CEMP shall be in accordance with the mitigation measures set out in the Environmental Statement (March 2016), which includes the Environmental Statement Addendum (April 2020) and the Aylesbury Woodlands Biodiversity Strategy dated 2<sup>nd</sup> November 2020, The approved CEMP shall be adhered to and implemented throughout the construction period for that phase or sub-phase of the development strictly in accordance with the approved details, or any revised details which have first been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: In order to protect amenities, minimise damage to retained trees during building operations and to address the impact of the development on biodiversity and provide net gains where possible in accordance with policy BE3 of the Vale of Aylesbury Local Plan, the National Planning Policy Framework and with regard to article 10 of the Habitats Directive. Details must be approved prior to the commencement of the relevant phase or sub phase to ensure the development is undertaken in way which ensures a satisfactory standard of tree care and protection and safeguards biodiversity.

### **Construction Management Plan**

30. Before each phase or sub phase of the development hereby permitted is commenced a Construction Management Plan in respect of that phase or sub phase shall have been submitted to and approved in writing by the Local Planning Authority. Construction of each phase or sub phase of the development shall not be carried out otherwise than in accordance with each approved Construction Management Plan to which it relates. Each Construction Management Plan shall include the following matters:
- A. Parking and turning for vehicles of site personnel, operatives, visitors and deliveries;
  - B. Loading and unloading of plant and materials
  - C. Piling techniques if necessary;
  - D. Storage of plant and materials;
  - E. Programme of works (including details of construction anticipated vehicle routing which is to be prescribed and measures to enforce its use; measures for traffic management and operating hours);
  - F. Provision of boundary hoarding and lighting;
  - G Details of proposed means of dust suppression and noise mitigation in line with the requirements of BS 5228-1:2009+A1:2014; ;
  - H. Details of measures to prevent mud from vehicles leaving the site during construction.

I. Details of the storage of spoil or other excavated or deposited material on the site, including the height of such storage above either natural ground level or the approved ground level.

J. Details of the routing of goods vehicles associated with the site and measures to enforce its use.

Reason: To minimise danger and inconvenience to highway users and to safeguard the amenities of neighbouring residents and to comply with policies H2 of the Weston Turville Neighbourhood Plan, policy D-AGT3, BE3, NE1 NE4, of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

31. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure, in accordance with the National Planning Policy Framework

### **Transport and Highways**

32. No employment or commercial development shall commence on any phase or sub-phase until details of the access roads, footways, cycleways and turning areas that will serve these uses including an implementation programme for the access roads to be laid out and constructed to binder level and completion of the surface course are submitted to and approved in writing by the Local Planning Authority. Such details to include an implementation programme for completion of the surface course and the estate road surface course shall be completed in the relevant Development Parcel in accordance with the approved details and implementation programme. No part of the employment or commercial development, within any relevant phase or sub-phase shall be occupied until the associated access roads, footways, cycleways and turning areas within the relevant phase or sub-phase have been laid out and constructed in accordance with the details subsequently approved pursuant to conditions 9, 32, 33 and 34.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with the National Planning Policy Framework.

33. Within one month of any new access being brought into use which makes existing field access not part of the development redundant, the existing field access points not incorporated in the development hereby permitted shall be stopped up in accordance with the details subsequently approved pursuant to condition 1. For the avoidance of doubt the applicants will be required to enter into a s247 Agreement with the Highway Authority in order to comply with the requirements of this condition.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user and to comply with the National Planning Policy Framework.

- 34 The details to be submitted for approval in writing of the Local Planning Authority in accordance with Condition 9 in relation to each phase and sub-phase of the development shall include a scheme of parking, garaging and manoeuvring (for all residential and non-residential uses within a phase or sub phase) in accordance with the Local Planning Authority's adopted Vale of Aylesbury Local Plan Appendix B Policy T6 Parking Standards and Policy T8 Electric Vehicle Parking or such other subsequent policy or guide which supersedes this document as adopted by the Local Planning Authority. The approved schemes shall be implemented and the parking, garaging and manoeuvring areas and electric charging point made available for use before the first occupation of the dwelling or dwellings or non residential building(s) to which the approved provision relates and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with policies T6, T8 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 35 The development within each phase or sub-phase shall not begin (within the relevant phase or sub-phase) until details of the adoptable estate roads and footways, within each relevant phase or sub-phase including an implementation programme for the access roads to be laid out and constructed to binder level and completion of the surface course have been submitted to and approved in writing by the local planning authority and no dwelling or non-residential unit shall be occupied until the estate roads which provide access to the relevant phase or sub-phase from the existing highway have been laid out and constructed in accordance with the approved details and implementation programme.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with policies T5, T7 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

### **Flood Risk, Water Resources and Ecological Buffer Zone**

36. Prior to the approval of any reserved matters, updated detailed hydraulic modelling demonstrating that the proposed development is safe and flood risk will not be increased elsewhere based on the layout, scale and design proposed for the entire scheme or each phase shall be submitted to and approved in writing by the local planning authority. The submitted information will include appropriate design details of any watercourse crossings, watercourse realignment, flood conveyance culverts and detailed design of the preferential flow route/flood mitigation scheme. Where this is undertaken on a phased approach, each phase (or phase groupings brought forward at the same time) must be shown to be wholly self-contained and not reliant on mitigation measures contained in other future phases.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided

in accordance with policies D1, D-AGT3, I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

37. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment Addendum, Revision E, prepared by Stantec UK Ltd, dated November 2021 including the following mitigation measures stated in the document:

- All 'more vulnerable' and 'less vulnerable' elements of the development shall be located outside of the modelled 1% annual probability plus appropriate allowance for climate change flood extent and level.
- Proposed ground floor levels to be set a minimum of 300mm above the 1% annual probability plus climate change flood level.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants through a flood risk sequential approach to the site layout, appropriate flood resistant and resilient mitigation measures and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in line with the requirements of policies D1, D-AGT3, I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework

38. No development (excluding the Woodlands Roundabout Improvements) shall take place within 12 metres of the top of the river bank alongside the Rivers Burcott Brook and Bear Brook Broughton Stream until a scheme for the provision and landscape management of a 12 metre wide ecological buffer zone measured from the top of the river bank alongside the Rivers Burcott Brook and Bear Brook Broughton Stream has been submitted to and agreed in writing by the local planning authority and the Environment Agency. Thereafter the development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal footpaths and landscaping; and could form a vital part of green infrastructure provision. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during construction of the development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan (to include the management of land within the extents of the Woodland Roundabout Improvements).
- details of any new habitat created on site.

- details of any in-channel and riparian habitat enhancements.

Reason: To conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

in line with the requirements of policies D1, D-AGT3, NE1, I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

39. No development of the Woodlands Roundabout Improvements, the indicative extents of which are shown for reference on Drawing edp2524\_d107, shall take place until a scheme for the protection of the Bear Brook and its 12 metre ecological buffer has been submitted to and agreed in writing by the local planning authority and the Environment Agency. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: To ensure the development is safe over its lifetime and does not increase flood risk elsewhere in line with the requirements of policies D1, D-AGT3, I4 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

40. With the exception of development works relating to the ELR(S) (which for the avoidance of doubt includes the Woodlands Roundabout Improvements), development on each phase or sub-phase should not be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. In the event that the study requires new capacity, the development shall be carried out in accordance with the approved details for each phase or sub-phase.

Reason: To ensure adequate water infrastructure is provided to support the development in accordance with policy S5, I5 of the Vale of Aylesbury Local Plan the National Planning Policy Framework.

## **Commercial Uses**

41. The units forming the part of the development to be constructed for A1 retail shop , A2 financial and professional services (other than health or medical services), A3 café and restaurant uses shall only be used for retail shop, financial and professional services (other than health or medical services), or café and restaurant uses and for no other purpose(s) [including any other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification], and for the avoidance of doubt including Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020



Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework

42. The units forming the part of the development to be constructed for B1 office use hereby permitted shall only be used for the use as an office or research and development of products or processes and for no other purpose(s) [including any other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended under Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework

43. The units forming the part of the development to be constructed for B1c light industrial use hereby permitted shall only be used for the use as light industrial and for no other purpose(s) [including any other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended under Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification]

Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework

44. The units forming the part of the development to be constructed for D1 clinic/health centre/crèche/day nursery/day centre use hereby permitted shall only be used for the use as a clinic/health centre /crèche/day nursery/day centre use and for no other purpose(s) [including any other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended under Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework.

#### **Open space details**

- 45 The details to be submitted under condition 9 relating to any phase or sub phase incorporating public open space shall be in accordance with Natural England's guidelines on suitable alternative natural green space and the development of that phase or sub phase shall be carried out in accordance with the approved scheme and implementation programme.

Reason: To ensure a satisfactory layout and natural green space provision to serve the development and to comply with policies D-AGT3, I1, and NE1 of the Vale of Aylesbury Local Plan, the National Planning Policy Framework, the Environmental Statement and Addendums.

## **INFORMATIVES**

1. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-  
Development Management 6th Floor, Buckinghamshire Council offices,  
Walton Street, Aylesbury,  
Buckinghamshire  
HP20 1UY  
Telephone 0845 2302882  
Email: [highwaysdm@buckinghamshire.gov.uk](mailto:highwaysdm@buckinghamshire.gov.uk)
2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
4. You are advised that Planning Obligations have been entered into in connection with this permission
5. Your attention is drawn to the specific requirements in the Planning Obligations and in particular those relating to education and the obligation of the Owner to transfer unencumbered the freehold interest of the Primary School Land (PSL) to the Council.
6. The planting season is from October through to the following March unless otherwise specified.
7. Your attention is drawn to the "Recycling and Waste: Advice Note for Developers 2019" to assist developers and planning applicants by highlighting Aylesbury Vale area's current management of refuse and recycling collections and what provisions will be expected when proposals for new dwellings and commercial premises come forward in the future and the adopted policy on waste container charges. Developers should contact the Council's Operations and Waste Management Section for specific advice on current recycling collection arrangements. See also - [https://www.aylesburyvaledc.gov.uk/sites/default/files/page\\_downloads/Recycling%20and%20Waste%20Advice%20for%20Developers%20May%202019.pdf](https://www.aylesburyvaledc.gov.uk/sites/default/files/page_downloads/Recycling%20and%20Waste%20Advice%20for%20Developers%20May%202019.pdf)
8. Please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering

working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developinga-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk).

9. The developer can request information to support the discharge of the condition relating to water network upgrades by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.
10. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.  
<https://developers.thameswater.co.uk/Developinga-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
11. The Crime Prevention Design may be contacted on (01628) 601554
12. Your attention is drawn to the Environmental Health Officers comments that the schools shall be designed such that daytime noise levels comply with the recommendations of BB93 and shall not exceed 60dB LAeq30min in external areas used for teaching or recreation and 40dB LAeq30 mins internally.
13. Environmental Permit - Advice to Applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422

549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

14. Further general advice on consideration of protected species and other natural environment issues is provided at Annex A of Natural England Consultee response dated 14 December 2020. A copy is available on the [Council's Planning Portal](#).
15. Natural England provides a [Discretionary Advice Service](#) should the developer wish to discuss the detail of measures to mitigate the effects of the proposal on the natural environment.

## List of Appendices

Appendix A: Site Location plan

Appendix B: Proposed Masterplan

Appendix C: Parameter Plan – Land Use

Appendix D: Access and Circulation

Appendix D1: A41 Connector Road to College Roads General Arrangement Sheet 1 of 2

Appendix D2: A41 Connector Road to College Roads General Arrangement Sheet 2 of 2

Appendix E: Phasing Plan

Appendix F: Green Infrastructure

Appendix G: Consultee Responses

Appendix H: General Representations

Appendix I: Highways Comments dated 29<sup>th</sup> March 2022

Appendix Ia: Highways Comments 8 January 2021

Appendix Ib: Highways Comments dated 13 October 2017

Appendix J: Habitat Assessment (Appropriate Assessment)

Appendix K: Approved Judgment - R(HFAG Ltd) v Bucks Council and Others.