

# PLANNING PROOF OF EVIDENCE

**Prepared by: David Hutchison**

Section 78 Appeal by: Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S Dean, NP Giles and A L C Broadberry

OS Parcel 1570 Adjoining and West of Chilgrove Drive and Adjoining and North Of, Camp Road, Heyford Park

Date 7th November 2023 | Pegasus Ref: P23-2074

PINS Ref. APP/C3105/W/23/3326761

## Proposal

Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access

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## Document Management.

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## Appendices

**APPENDIX 1 – LETTER FROM WOODS HARDWICK ON FOUL DRAINAGE MATTERS**



# 1. PERSONAL BACKGROUND

- 1.1. My name is David Hutchison. I hold a Bachelor of Science Degree and Diploma in Town Planning from Cardiff University.
- 1.2. I am a Chartered Town Planner and I am employed as a Planning Consultant at the firm of Pegasus Group. I currently hold the position of Executive Director and I am based in the Cirencester Office.
- 1.3. I have worked in the private sector as a Planning Consultant since 1999 (over 24 years). Prior to my appointment at Pegasus (when the company was first established in 2003), I worked for Chapman Warren and the RPS Group.
- 1.4. I have a wide range of experience in all aspects of Town Planning, dealing with both Development Control and Planning Policy. I now work primarily for residential and commercial developers/land promoters and I am responsible for all aspects of their work ranging from site promotion through the Development Plan process to preparing and submitting planning applications for various scales of development, including large scale strategic urban extensions.
- 1.5. As well as dealing with outline applications for larger developments I am also involved in negotiations on a day to day basis in relation to reserved matter applications on behalf of developers.
- 1.6. I have presented evidence on behalf of clients at numerous Public Inquires and Informal Hearings.
- 1.7. I have not been personally involved with Heyford Park prior to this appeal. However, my colleagues at Pegasus have been continuously involved in the wider site for many years and so I am familiar with the background to the site.
- 1.8. The evidence that I have prepared and provide for this appeal (PINS Ref APP/C3105/W/23/3326761) is true and has been prepared and is given in accordance with the guidance of my professional institution, irrespective of by whom I am instructed. I can confirm that the opinions expressed are my true and professional opinions.

## 2. INTRODUCTION

2.1. My Proof of Evidence has been prepared on behalf of on behalf of Dorchester Living (DL). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of OS Parcel 1570 adjoining and West of Chilgrove Drive and adjoining and North of, Camp Road, Heyford Park (the Appeal Site).

2.2. Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S Dean, NP Giles and A L C Broadberry (the Appellants) lodged an appeal on 27th July 2023 following the decision of Cherwell District Council (the LPA) to refuse an Outline Planning Application (LPA ref. 21/04289/OUT) for a proposed development comprising:-

**“Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access.”**

2.3. The original planning application was reported to Committee on 9th March 2023. Notwithstanding the fact that the site is not allocated for development in the Development Plan for the area, and the LPA could claim to have in excess of a five year housing land supply using the Standard Method, Officers recommended that the application should be approved subject to conditions and s.106 planning obligations.

2.4. However, having considered the Officer Report [CD.C6], Members determined that the application should be refused. The LPA has identified 2no. reasons for refusal which are set out on the Decision Notice dated 31st March 2023 [CD.C10]. These read as follows:-

**“1. The site is located on greenfield land outside the Policy Village 5 allocation, therefore within an area of open countryside separate from the built-up area of Heyford Park. As a result, the development would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site’s general openness. The site’s relationship to the RAF Upper Heyford Conservation Area and the views into and out of the Conservation Area would cause harm to the setting of designated heritage assets. Such environmental harm is considered to be less than substantial, but the harm caused is not outweighed by the public social and economic benefits. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The principle of this development is therefore unacceptable, as contrary to Policies PSD1, ESD1, ESD13, ESD15, and Policy Villages 5 of the Cherwell Local Plan 2011–2031, Policy PD4 of the Mid Cherwell Neighbourhood Plan, Saved Policies C8, C30, C33 and H18 of the Cherwell Local Plan 1996 and Government Guidance in the National Planning Policy Framework.**

**2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions or transport mitigation required as a result of the development and necessary to ensure modal shift to sustainable transport modes and make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework."**

## **My Evidence**

2.5. Following the Case Management Conference meeting (CMC), the Inspector prepared a post conference note which identified the main issues at §11 [CD.E6]. My evidence will concentrate on the first main issue which reads as follows, and which essentially relates to the principle of development:-

- **Whether the appeal site forms a suitable location for development having regard to national and local planning policies.**

2.6. I reserve the right to add to or amend my evidence on receipt of the evidence submitted by the other parties. I also reserve the right to make further comments on any draft planning obligations that the Appellants seek to rely upon. These were not available at the time of writing my evidence.

## **Other Proofs of Evidence submitted on behalf of DL**

2.7. My evidence should be read alongside the other Proof of Evidence that has been prepared on behalf of DL as follows:-

- David Frisby - Traffic and Transportation including infrastructure provision/mitigation

2.8. Mr Frisby will present evidence on the Inspector's fourth main issue:-

- **Whether the development makes appropriate provision for infrastructure and transport mitigation to ensure a sustainable development and make the development acceptable in planning terms.**

2.9. I draw upon the evidence of Mr Frisby when I deal with the overall planning balance in Section 8 of my evidence.



## Statements of Common Ground

- 2.10. DL has not been involved in the preparation of any SoCGs for this appeal. I am however aware of the Planning SoCG that has been agreed between the LPA and the Appellants [CD.E7].
- 2.11. Reference is also made to an addendum SoCG in the CD list [CD.E8]. This has not been circulated to DL as a R6 party and was not available on the LPA website at the time of concluding my evidence.

### **3. THE APPEAL SITE LOCATION AND DESCRIPTION**

- 3.1. The appeal site relates to land close to, but not within the Former RAF Upper Heyford base (now known as Heyford Park) which lies west of junction 10 of the M40, approximately 5.5km to the north west of Bicester.
- 3.2. Heyford Park is allocated in the adopted Development Plan as a new settlement involving redevelopment of both previously developed land and some limited greenfield land (Local Plan Policy Villages 5). Heyford Park is the subject of numerous heritage designations and should be viewed as a suitable but sensitive location for appropriately located, planned and designed new development.
- 3.3. Planning permission is already in place for mixed use development including amongst other things, almost 2,500 additional homes plus circa 300 retained former RAF dwellings along with employment uses, schools, retail and a medical centre. The site is currently being built out by Dorchester Living and its development partners. About 850 dwellings have been completed and occupied at the time of writing.
- 3.4. Each of those consents has been arrived at after lengthy consideration and discussions with relevant officers at Historic England and the Council. As I will explain in more detail later in my evidence, Heyford Park should not be viewed as an 'ordinary residential development' let alone a free-standing new settlement on greenfield land which can simply be expanded in an unplanned and uncoordinated manner. The integration of new development to the facilities of the new settlement as well as the other residential areas is key to ensuring sustainable growth.
- 3.5. The appeal site itself is located at the eastern end of Heyford Park. It adjoins Camp Road to the south and Chilgrove Drive to the east. Land to the immediate west is currently undeveloped but it does form part of the Policy Villages 5 site allocation (Areas with potential for additional development identified under Policy Villages 5). Planning permissions have very recently been granted for a total of 120 dwellings on that land (LPA refs.15/01357/F and 21/03523/OUT). There is also a single overlapping planning application for 126 dwellings on the same land which is still pending determination (ref. 22/03063/F). The former airfield is located to the north.
- 3.6. The appeal site itself is an irregular shaped area of land which extends to approximately 11.7ha. The proposed built development would be concentrated in what are currently two open fields within the northern and south/eastern parts of the site. The western part of the site is also undeveloped and includes a number of trees, ponds and hedgerows. This area is proposed to be used for public open space and drainage. There is no particular logic to the





form of the proposed development which appears to reflect no more than the happenstance of land ownership.

- 3.7. There are no landscape, ecology or heritage designations that apply to the appeal site itself. However, as rightly noted in the Appellant's SoC, the site is within 1km of four Grade II Listed Buildings, alongside the RAF Upper Heyford Conservation Area and Scheduled Ancient Monument Cold War Structures, associated with the former Upper Heyford Airbase.
- 3.8. There are no public rights of way within or adjoining the site.

## 4. THE APPEAL PROPOSALS

4.1. The Planning Application that is now the subject of this appeal was submitted to Cherwell District Council on 24th December 2023. The Description of Development is as follows:-

**“Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access.”**

4.2. As per the description of development, the planning application was submitted in outline with all matters of detail reserved for subsequent determination except for access (which is to be considered now).

4.3. The main components of the appeal proposal can be described as follows:

### **Amount and Density**

4.4. The appeal proposals involve a development of up to 230 dwellings.

4.5. The Density Parameter Plan indicates that most of the scheme is to be built out at a density of up to 40dph, with a higher density of up to 45dph at the core of the southern development parcel.

### **Layout**

4.6. An Illustrative Masterplan was submitted as part of the application. This demonstrates how the proposed development could be laid out.

### **Access**

4.7. The appeal scheme only has a single point of access for vehicles and this is located at the southern boundary off Camp Road.

4.8. There are some proposed pedestrian and cycle links to Camp Road and Chilgrove Drive to the south and east respectively. However, there are no links proposed to the north or west, notwithstanding the very obvious need to integrate the proposed new homes into the existing and growing community of Heyford Park.

### **Building Heights.**

4.9. Whilst “scale” is a reserved matter, The Building Heights Parameter plan identifies that the building heights would range from 2 storey, 2.5 storey and 3 storeys depending upon their location within the site.

### Landscaping and Open Space

- 4.10. The Landscape and Open Space plan shows that the majority of the open space and landscaping is to be provided on the western part of the site. There is some limited green space and landscaping on the northern eastern and southern fringes of the proposed development areas. It is unclear as to the extent to which this will be secured by condition or whether it is intended to be indicative.

### Drainage

- 4.11. The proposals will incorporate Sustainable Urban Drainage (SUDs) features within the western part of the site, coincident with the main body of open space.

### The Parameter Plans

- 4.12. The Appellants have submitted a number of Parameter Plans which relate to land use, access and movement, building heights, density and landscape & open space [CDs A4 to A8 inclusive]. I would normally expect these to be approved plans if the appeal was to be allowed.

### Revised Illustrative Masterplan

- 4.13. The agreed SoCG refers to a revised illustrative masterplan at § 5.5 as follows:-

**“5.5 A revised illustrative masterplan has been submitted to CDC as part of this appeal showing potential increased separation of development parcels from the north boundary of the appeal site, which CDC is prepared to consider as part of the appeal.”**

- 4.14. Despite being a rule 6 party to the appeal. DL has yet to see this plan and I will reserve the right to make further comments on (i) the plan itself and (ii) whether this represents a material change to the original scheme such that the Wheatcroft principles ought to apply. If the latter, then I note the recently revised guidance issued by PINS on 6<sup>th</sup> October 2023 that a test of exceptionality should apply to any request for revised application proposals:

**“16.1 The appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage.**

**16.2 Where amendments are proposed during the appeals process, the Planning Inspectorate will consider whether, exceptionally, to accept them.”**



## **5. PLANNING HISTORY**

- 5.1. The planning history that is of relevance to this appeal is set out in paragraphs 4.12 to 4.17 of the SoCG. The factual position is not disputed.



## **6. PLANNING POLICY**

- 6.1. The Development Plan policies and the National Planning policies that are of most relevance to this appeal are identified in Section 6 of the SoCG.
- 6.2. I will refer to relevant policies and guidance and the weight that ought to be afforded to them in the Case for Dorchester Living (Section 7) and in the Overall Planning Balance (Section 8).

## 7. CASE FOR DORCHESTER LIVING

7.1. In this section of my evidence, I will explain why I consider that the appeal proposals do not represent sustainable development and I why there are compelling reasons to dismiss this appeal.

### Background Context

7.2. I don't present any evidence on the housing land supply position. I do however recognise that this will have a direct effect on the way that this appeal should be determined. I would make the following observations at the outset of my evidence:-

- a. At the time that the application was determined the LPA claimed to have a five year housing land supply (5.4 years). The LPA maintains its position for the purposes of this appeal.
- b. The very recent Finmere appeal decision dated 31<sup>st</sup> October 2023 said that the LPA could demonstrate a 5YRHLS [CD.M16 §4 and §12]
- c. If the Inspector concludes that the LPA can demonstrate a minimum of a 5YRHLS then NPPF Footnote 8 does not apply. The most important policies will not be deemed to be out of date for reasons relating to housing land supply and the tilted balance in NPPF §11d would not be engaged. Put more colloquially, there would not be a good reason to displace the development plan position that permission should be refused.
- d. The Appellants and the LPA do not however agree on the 5YRHLS position. The Appellants say that they will present evidence to show that the LPA cannot demonstrate a 5YRHLS. At the time of writing, I have not seen such evidence and therefore can do no more than to reserve the right to comment upon it once it is to hand.
- e. If the Inspector agrees with the Appellants, then Footnote 8 would apply. The most important policies will be deemed to be out of date and the tilted balance in NPPF paragraph 11d would be engaged.

7.3. I have presented my evidence on the assumption that the LPA can demonstrate a 5YRHLS. I will however consider the position in the alternative for the purpose of the overall planning balance in Section 8.

7.4. However, my overall conclusion is that the appeal should be dismissed even if the tilted balance is engaged.

## The Main Planning Policy Issues

7.5. My evidence will concentrate on the planning policy issues that were raised the Inspector's first main issue; that being whether the appeal site forms a suitable location for development having regard to national and local planning policies. In order to make my evidence more manageable I have broken this down into three parts as follows:-

- |                |   |
|----------------|---|
| <b>Issue 1</b> | <b>The principle of development</b>   |
| <b>Issue 2</b> | <b>Whether this speculative development at Heyford Park is appropriate with particular reference to Policy Villages 5</b> |
| <b>Issue 3</b> | <b>The emerging Cherwell Local Plan Review 2040</b>   |

7.6. In Section 8, I will identify the benefits and the potential adverse effects of the proposed development. I will then explain how these should be weighed when applying the statutory test in s.38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 11d of NPPF (if it is engaged).

### Issue 1 The principle of development

7.7. The starting point for the determination of any planning application or appeal is the Development Plan. The planning system is 'plan led' and planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.<sup>1</sup>

### The Development Plan

7.8. The most relevant parts of the Development Plan in this case comprise:-

- a. Cherwell Local Plan 2011 – 2031 Part 1 (CLP 2015) [CD.G1]
- b. Cherwell Local Plan 1996 Saved Policies (CLP 1996) [CD.G2]
- c. Mid Cherwell Neighbourhood Plan (MCNP 2019) [CD.G4]

7.9. NPPF paragraph 12 states that:-

**"12.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted...."**

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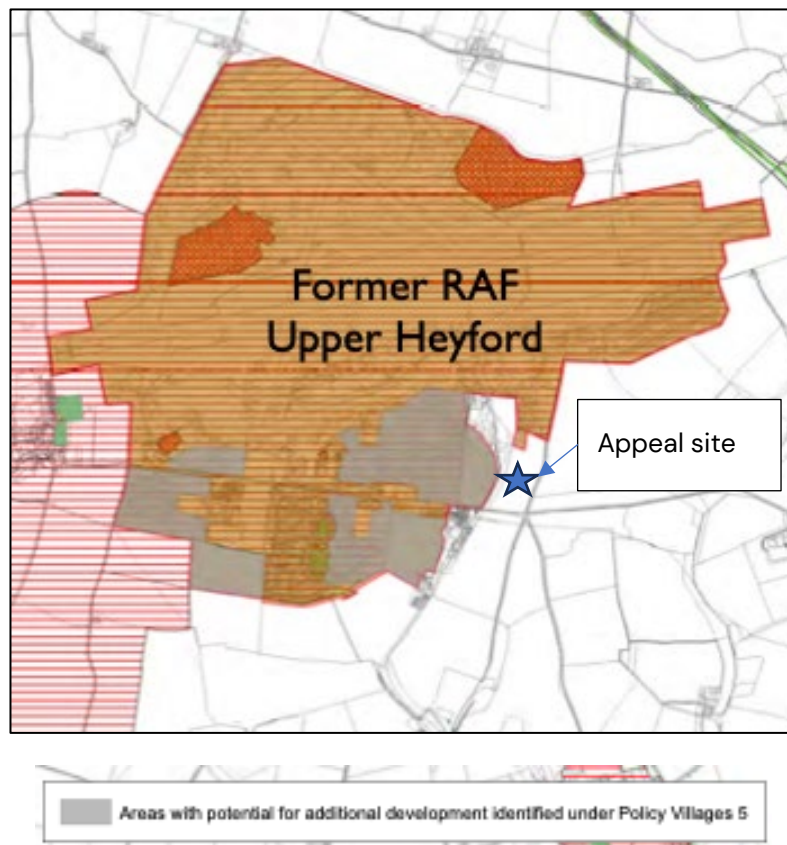
<sup>1</sup> Section 38(6) of the Planning & Compulsory Purchase Act 2004

- 7.10. This is a case where the appeal proposals do not accord with the Development Plan, when it is read as a whole. The LPA claim that they can demonstrate a 5YRHLS and so on that basis the most important policies are not deemed out of date. We therefore start from a position that the appeal should be dismissed unless there are other sufficiently weighty material considerations in this case which justify a departure from the plan in a flat, unweighted planning balance.

### **The Cherwell Local Plan 2011 – 2031 Part 1 [CD.G1]**

- 7.11. The Cherwell Local Plan 2011–2031 (Part 1) was formally adopted by the Council on 20 July 2015. Policy Bicester 13 was re-adopted on 19 December 2016. From the Policies Map which I reproduce below [Local Plan Inset Map at p.358 Plan], it can be seen that:-
- a. The appeal site is not located within a defined settlement.
  - b. It is in open countryside in planning policy terms.
  - c. It is not allocated for housing (or indeed any other form of development)
  - d. It adjoins, but falls outside the Former RAF Upper Heyford site allocation (outlined in red).
  - e. It falls outside the areas identified as having potential for additional development at RAF Upper Heyford under Policy Villages 5 (shaded grey).
  - f. It is not within a Conservation Area but it adjoins the RAF Upper Heyford Conservation Area (horizontal hatching).
  - g. There are no landscape, ecology or other designations directly affecting the site.





## Vision, Strategy and Objectives

- 7.12. The Vision, strategy and objectives of the Local Plan are set out at page 10. At paragraph vi the spatial strategy for how the LPA will manage the growth of the District is summarised as follows:
- a. Focusing the bulk of the proposed growth in and around Bicester and Banbury.
  - b. Limiting growth in our rural areas and directing it towards larger and more sustainable villages.
  - c. Aiming to strictly control development in open countryside.
- 7.13. The Local Plan also explains that it provides certainty for communities and developers as to what will /can be developed and where [§1.66 2nd bullet point]. This obviously embodies the principle that planning system should be genuinely plan-led.<sup>2</sup>

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<sup>2</sup> NPPF §15

## The Spatial Strategy

- 7.14. The Local Plan Spatial Strategy is articulated in more detail at paragraph A.11. It reiterates that most of the growth in the District will be directed to locations within or immediately adjoining the main towns of Banbury and Bicester (bullet point 1).
- 7.15. Bullet point 2 is of most relevance to this appeal and this states that:-
- “- Away from the two towns, the major single location for growth will be at the former RAF Upper Heyford base which will deliver 2,361 homes.”**
- 7.16. The 3rd bullet point refers to development at Kiddlington and the fourth bullet point refers to more limited development at the villages. The final bullet point states that development in the countryside will be strictly controlled.
- 7.17. I do not consider the appeal proposals to be consistent with the overarching spatial strategy. They do not seek to focus growth at the main towns of Bicester or Banbury. The site is not part of the Former RAF Upper Heyford site and nor is it one of the areas identified as having potential for additional development as part of the allocation. It is not allocated for development and is instead it represents speculative development on greenfield land that is defined as open countryside in planning policy terms which adjoins the allocation. The Plan makes it clear that development in the open countryside is to be strictly controlled.
- 7.18. Even at this high level it can be seen that there is clear conflict with the overarching vision, strategy and objectives of an up to date plan and its spatial strategy. The most important policies for this appeal are not out of date and they were found sound after the publication of the first NPPF. No argument is being made that the most important policies are out of date for reasons other than housing land supply.

## Policies for the Villages and the Rural Areas

- 7.19. The Local Plan sets out policies for the villages and the rural areas. As I will explain, the appeal proposals gain no support from any of these policies.
- 7.20. Paragraph C.244 refers to some of the challenges facing the rural areas and it refers to the legacy of major MOD developments in the rural areas. It explains how the former base at RAF Upper Heyford has its own particular challenges, as it is redeveloped for new uses.
- 7.21. This is reflected in the way that the site is dealt with in the plan. It has its own detailed development management policy (Policy Villages 5) which extends across five pages. The supporting text that makes it clear that this is a unique site.

## Policy Villages 5: RAF Upper Heyford

7.22. For context, the first part of Policy Villages 5 reads as follows:-

**“Policy Villages 5: Former RAF Upper Heyford**

**Development Area: 520 ha**

**Development Description: This site will provide for a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure, including primary and secondary education provision and appropriate community, recreational and employment opportunities, enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment. A comprehensive integrated approach will be expected.**

.....” (my emphasis)

7.23. It is not necessary to get into any detailed analysis of the policy at this stage of my evidence or rehearse any of the development management criteria. That is because the appeal site does not form part of the Policy Villages 5 allocation and so it does not and cannot gain any support from Policy Villages 5. It is also not being brought forward in line with the expected comprehensive and integrated approach as required by Policy Villages 5.

7.24. Nonetheless it is important to note that development within Policy Villages 5 is subject to very stringent development management tests and requirements reflective of the sensitivity of the site; and it would be somewhat odd were the appeal scheme to be consented as if it was just another edge of settlement greenfield site.

## Other rural area policies – Policy Villages 1, 2 and 3

7.25. Policy Villages 1 allows for development within the defined villages. It is agreed that Upper Heyford is not one of the defined settlements as it has its own separate policy under Policy Villages 5 [SoCG §8.17]. The appeal proposal therefore gains no support from Policy Villages 1.

7.26. Policy Villages 2 allows a total of 750 dwellings at the Category A Villages. Again, the appeal site is not at one of the defined Category A Villages and so it gains no support from this policy either.

7.27. Policy Villages 3 relates to Rural Exception Sites. It appears to be no part of the Appellants’ case that this is an exception site to which Policy Villages 3 applies. The proposals would not accord with Policy Villages 3 in any event.

## Cherwell Local Plan 1996 Saved Policies

7.28. The saved policies of the 1996 Local Plan include policies relating to housing in the countryside.

7.29. Policy H18 specifies the types of housing that will be permitted in the countryside. The appeal proposals would not qualify under any criterion in the policy:-

**“New Dwellings in the Countryside**

**H18 planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when**

**(i) it is essential for agriculture or other existing undertakings, or**

**(ii) the proposal meets the criteria set out in policy H6; and**

**(iii) the proposal would not conflict with other policies in this plan.”**

7.30. Saved Policy C8 relates to sporadic development in the open countryside and it reads as follows:-

**“C8 Sporadic development in the open countryside including developments in the vicinity of motorway or major road junctions will generally be resisted.”** (my emphasis)

7.31. The supporting text explains that:-

**“9.12 Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained.**

**9.13 Policy C8 will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.”** (my emphasis)

7.32. It is not clear why the Appellants identify this as a mere “design policy” in its SoC at Table 1. It is self-evidently a policy that goes direct to the principle of development, and is clearly breached by this proposal.

7.33. The Appeal site is located in the open countryside, it is beyond the built-up limits of any settlement and the policy indicates that such development will be resisted. The appeal proposals conflict with Policy C8.

## The position of the Appellants

- 7.34. Despite the claim of development plan compliance, the Appellants in their SoC do not identify any local policies which positively support the principle of development in this case. There is no analysis of the most important policies themselves and how the proposals perform against them.
- 7.35. The Appellants instead rely upon Policy PSD1. They don't say permission should be granted because the application accords with the Development Plan. Instead, they rely upon the policies of the Development Plan being deemed out of date so that they can then rely upon the outcome of the tilted balance.

## Conclusion

- 7.36. When the Development Plan is read as a whole, it is clear that the principle building up to 230 dwellings on an unallocated greenfield site, beyond the built-up area of any settlement and beyond the remit of the RAF Upper Heyford Policy Villages 5 allocation does not accord with the plan.

## Summary

- 7.37. To summarise on the principle of development:-
1. This is a case where the principle of development does not accord with the Development Plan.
  2. It is not plan-led development. It is a speculative proposal on a site that is not allocated for housing (or indeed any other form of development). The site is also not within a defined settlement and nor is it previously developed land. It is unallocated greenfield land in the open countryside.
  3. There is no policy that the Appellants can point to that positively supports this type of development in this location.
  4. The proposals are not consistent with the Vision, Strategy and Objectives of the Local Plan which seek to focus the bulk of the proposed growth in and around Bicester and Banbury, limiting growth in rural areas and aiming to strictly control development in open countryside.
  5. I accept that the Local Plan does identify a major location for growth at the former RAF Upper Heyford base to deliver 2,361 homes and the appeal site is located adjacent the allocation. However, the site is not part of the Local Plan allocation. It therefore gains no support from Policy Villages 5.
  6. The appeal proposals also gain no support from Policy Villages 1, 2 or 3.

7. Policy H18 allows for certain types of housing in the countryside but the appeal proposals would not qualify as one of the types of development that will be permitted under that policy.
8. The proposals are in direct conflict with saved Policy C8. The Policy says that sporadic development in the countryside will be resisted. The supporting text says that the policy will apply to all new development proposals beyond the built-up limits of settlements.

## **Issue 2 – Whether Heyford Park is an appropriate location for speculative development with particular reference to Policy Villages 5**

- 7.38. I have demonstrated that there are clear and compelling reasons as to why the principle of housing in this location is unacceptable when assessed against the Development Plan.
- 7.39. However, I expect that the Appellants will argue that the most important policies in the Development Plan are out of date because they say that the LPA cannot demonstrate a 5YRHLS. The Appellants are therefore relying upon ‘other material considerations’ to justify a departure from the plan as opposed to pointing to policies that positively support their case.
- 7.40. I don’t present any evidence on housing land supply. That will be a matter that I will leave to the LPA to defend. Even if the Appellants are right, and the Inspector concludes that the LPA cannot demonstrate a 5YRHLS, the tilted balance is no “silver bullet” in this case.
- 7.41. Even if there is a five year housing shortfall, it will still be necessary for the Appellants to demonstrate that the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the alleged benefits. That will be a matter of judgement when considering the overall planning balance.
- 7.42. Furthermore, it is not sufficient for the Appellants to just claim that the most important policies are out of date without explaining what weight is to be afforded to any policy conflicts even in a tilted balance context. The Courts have repeatedly held that development Plan policies are not to be disregarded or automatically afforded no weight even if they are deemed to be out of date. Out of date policies can still be afforded significant or even full weight. That would be particularly so in this case, as I will now explain.

### **Heyford Park – sustainable location for development?**

- 7.43. The Appellants say that the Appeal Site is located in one of the most sustainable locations in the District, particularly due to its location at Heyford Park, adjacent to the Policy Villages 5 allocation [SoC §6.9].

7.44. I accept that Heyford Park is a sustainable location for carefully planned development. This has been established through the plan making process and through plan led delivery of the new settlement to date in accordance with Policy Villages 5. Indeed, additional carefully coordinated plan led development may come forward here as part of the Local Plan Review.

7.45. However, sustainability is not just about access to facilities, it is a very much broader concept than that. Policy Villages 5 encapsulates what the Development Plan currently regards as being sustainable development at Heyford Park and the appeal proposals don't even accord with the policy as a matter of principle.

7.46. The supporting text to the policy at paragraph C.288 highlights some of the challenges and constraints to development and how the allocation policy seeks to positively guide new development:-

**"C.288 Policy Villages 5 below replaces Policy H2 in guiding the future redevelopment of the site and provides a positive policy framework within which opportunities to accommodate development are considered having regard to known constraints, principally heritage, ecology and transport impacts associated with additional development."** (my emphasis)

7.47. Speculative development at Heyford Park that is outwith Policy Villages 5 should be approached with great caution. Heyford Park is no ordinary development. It is a sensitive site which has complex infrastructure requirements including transport infrastructure (as explained in the evidence of Mr Frisby) and it requires a comprehensive and coordinated approach. The five pages of policy devoted to this single site in the Local Plan reflect this sensitivity.

7.48. My client, Dorchester Living is well aware of those sensitivities involved in bringing forward new development at Heyford Park. They have promoted the site through the Development Plan process and they have secured planning permissions for the already consented development. However, each of those consents has been arrived at after lengthy consideration and discussions with relevant officers at Historic England, the District Council, the County Council and National Highways. Heyford Park should not be viewed as an "ordinary residential led development" which can simply expanded in an unplanned and uncoordinated manner.

7.49. The site is unique as explained at Local Plan paragraph c285:-

**"C.285.....this unique site has been allocated for residential led mixed uses as enabling development to secure environmental improvements and conservation of the heritage interest of the site associated with its former use as a Cold War military base."** (my emphasis)

7.50. The supporting text at §C.291 also emphasises the importance of a coordinated approach with regards to infrastructure provision and the importance of high quality design:-

**“C.291 Given the rural and isolated location of the settlement, and its significant heritage interest, securing adequate transport arrangements and funding the necessary mitigation of transport and heritage impacts will be of particular importance, whilst 'Policy Villages 5' also makes provisions relating to the importance of high quality design to reflect the distinctive character areas of the site.” (my emphasis)**

7.51. The adopted Local Plan does include some “limited,” but carefully selected areas of greenfield land for development in locations that would be “complementary to the approved development.” This includes:-

**“C.291 ..... limited greenfield land to the south of Camp Road (and one greenfield area to the north of Camp Road, east of Larsen Road).”**

7.52. The appeal site was not however, selected as one of the limited areas for greenfield development. Indeed, it can be seen that most of the greenfield releases were to the south of Camp Road in locations that would assist in consolidating the built form of the settlement. The appeal site would not achieve the same objective. Instead, it would represent a further outward incursion into the undeveloped landscape to the east and it would stretch development further along Camp Road.

7.53. It would not adjoin the existing parts of the Heyford Park development. In fact it would leapfrog the only area of greenfield land that was released for development north of Camp Road. Planning permission has very recently been granted on that land but it has not been built out. As things stand today, the appeal site would represent a detached and isolated enclave of development, poorly related to the rest of Heyford Park.

7.54. Even when the additional areas of allocated greenfield land come forward at Heyford Park the policy expressly states that:-

**“A comprehensive integrated approach will be expected”**

7.55. The supporting text expands upon this at paragraph C.292:-

**“C.292 A comprehensive approach will be required and it will be necessary to demonstrate how the additional land identified can be satisfactorily integrated with the approved development. The additional land will not be permitted to be developed independently of the main development and infrastructure contributions will be expected for the wider scheme.” (my emphasis)**

7.56. As I explain later, the appeal proposals are not consistent with those key principles, but what is proposed here is the antithesis of a ‘comprehensive’ planned approach.



## Dwelling numbers

- 7.57. Simply put, the grant of planning permission for a further 230 dwellings on the appeal site is not necessary to meet the housing numbers allocated at Heyford Park.
- 7.58. Local Plan Policy Villages 5 plans for a residential development of approximately 2,361 additional dwellings at Heyford Park. Planning permissions are already in place for a total of 2826 dwellings (2,498 not including the retained dwellings).
- 7.59. This means that there are sufficient planning permissions already in place to comfortably meet and exceed the housing requirement of the allocation. It is not necessary to release more land for development in this location to meet the requirements of the allocation (and fulfil its role in the overall spatial strategy).

## Accessibility and integration

- 7.60. Policy Villages 5 identifies key site specific design and place shaping principles for new development at Heyford Park. It states inter alia that:-

**“- Layouts should enable a high degree of integration with development areas within the 'Policy Villages 5' allocation, with connectivity between new and existing communities**

**- Development should accord with Policy ESD 15 and include layouts that maximise the potential for walkable neighbourhoods with a legible hierarchy of routes**

**- The settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks. Improved access to public transport will be required.”**  
(my emphasis)

- 7.61. Even if Policy Villages 5 could be applied to the appeal site, I do not consider that the proposals would be policy compliant in any event. Instead, they would offend key place shaping requirements of the policy.
- 7.62. Firstly, we need to consider the relationship between the appeal site and the existing built form of Heyford Park. The Appellants are keen to draw attention to the planning history of the land to the west as it may (in time) create a physical linkage between the appeal site and the wider Heyford Park development. I note that since DL prepared its SoC, planning permission has been granted for 120 dwellings on the “Pye Homes” (LPA refs.15/01357/F and 21/03523/OUT) [CDs N13 and N11 respectively]. However as far as I am aware, the Appellants don't control that land and I presume that would have no ability to dictate if or when that development might come forward. I have seen no evidence of any agreement as to the

securing of links across the Pye Homes land which would benefit future residents of the appeal site.

7.63. Secondly, even when that land does come forward for development, I note that the approved Site Plan ref.2105 002 rev.D (extract below) [CD.N14] for the larger full application shows a continuous landscaped buffer along the eastern edge of the development. If it is built out as approved there is no opportunity at all to form pedestrian or cycle links to and from the appeal site other than at the south eastern corner of the appeal site adjacent to Camp Road.



7.64. The illustrative proposals for the planning permission to the north of the aforementioned permission [CD.N12] also shows no intention to break the landscape buffer to the east and create a pedestrian link (see below).

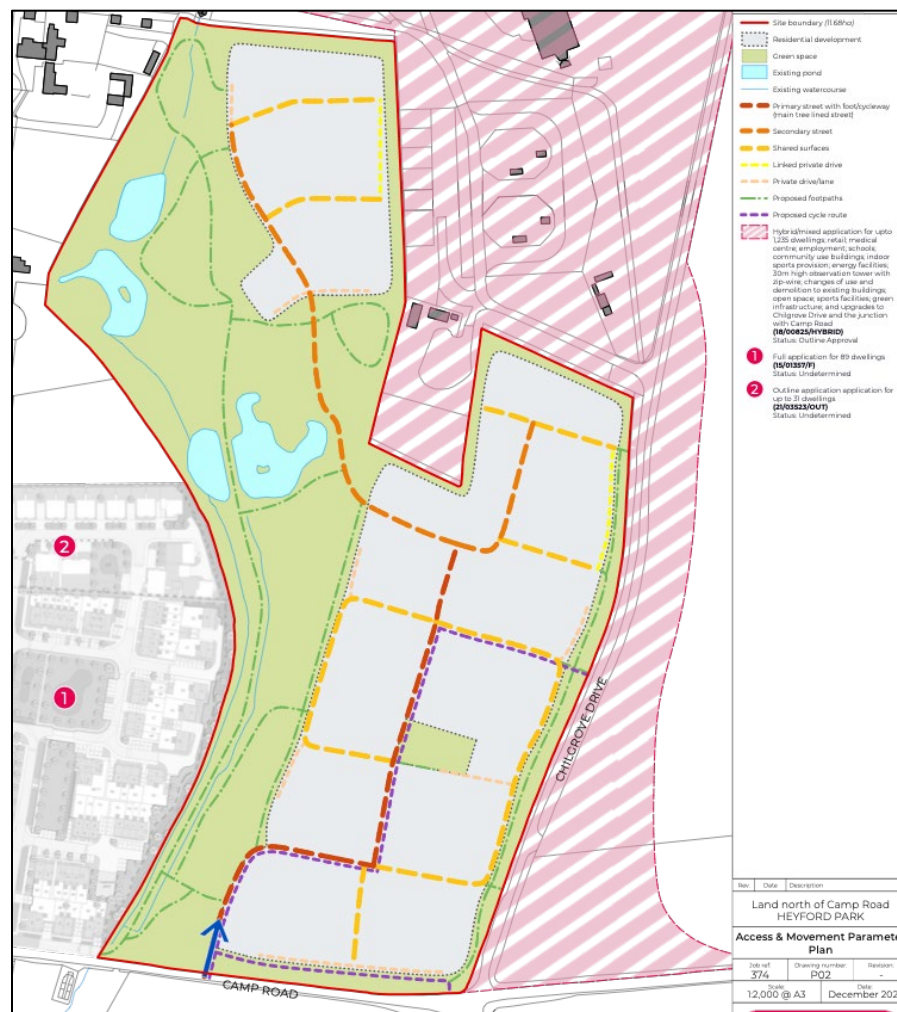


- 7.65. Whilst this could have been controlled by the Council by insisting upon such links through this land to facilitate expansion beyond, this has not been done, and such links have not been secured.
- 7.66. I note that it would be open to this Inspector to require links to be provided to the Pye Homes land as part of this appeal, but I apprehend that this would be resisted by the Appellants as creating an unacceptable 'ransom' situation. Were that to be the case then that simply underscores the absence of an appropriate level of integration for future residents of the appeal site.
- 7.67. Thirdly, and as a consequence of there being no coordinated approach the appeal site will in effect be left as a large cul-de-sac of 230 dwellings served by a single point of vehicular, and probably non-vehicular access off Camp Road beyond a dividing hedge line. No attempt has been made to integrate the proposals with the consented development parcels to the west. This could have made it more attractive for residents to walk and cycle to the main facilities to the west rather than using their cars and more attractive than walking alongside traffic on Camp Road. It would also have assisted in fostering a greater sense of community. If all these parcels (the consented parcels and the appeal scheme) were being planned on a comprehensive basis then I would have expected there to be meaningful integration. Not to achieve this is poor planning and runs directly contrary to the intention of Policy Villages 5.
- 7.68. The lack of a comprehensive and co-ordinated approach results in obviously poor design even at this Outline stage and it gives rise to a form of development that fails to achieve the required levels of integration and connectivity.
- 7.69. Fourthly, there can be no suggestion that because this is only an outline scheme and that my arguments can be addressed at the reserved matters stage. That is because the Appellants have not reserved access in their application.

7.70. The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines “access” for the purposes of Reserved matters. It can be seen that it also includes access within the site for cycles and pedestrians in terms of routes and how they fit in with the wider area.

**“ ‘access’, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;” (my emphasis)**

7.71. The Appellants have submitted an Access and Movement Parameter Plan [CA.A5] which I expect to be listed as an approved plan if the appeal is allowed. This does not propose any links to the west as can be seen from the extract below.



7.72. I do not therefore consider that the proposals enable a “high degree of integration”, provide the necessary connectivity, “maximise the potential for walkable neighbourhoods” or

represent “high quality design” overall. Precisely the contrary is the case. Far more could and should have been done had a comprehensive and integrated approach been taken. As such it would not accord with the place shaping principles of the Policy Villages 5 or national policy on achieving well designed places that function well. It will be explored in evidence as to whether the Appellants have sought to secure a commercial arrangement with adjacent landowners to secure such linkages, since it patently should not be the case that future residents should be required to live in homes which have substandard integration because a land promoter has been unsuccessful in negotiating rights with an adjacent landowner. Planning is about the regulation of private land in the public interest.

## Whether the settlement would have a soft urban edge

7.73. The absence of a coordinated approach to the wider development is also evident in terms of the treatment at the edge of the new settlement.

7.74. From the plan above, (and the other parameter plans) it can be seen that very little room is left for landscaping at eastern edge of the proposed development. Policy Villages 5 makes is clear that development on the greenfield land within the allocation should:-

**“..... provide for a well-designed, ‘soft’ approach to the urban edge, with appropriate boundary treatments”**

7.75. I struggle to see how this can be achieved with the land that is available for landscaping when approaching the site from the east on the or the approach from the south east.

## Infrastructure and other supporting uses

7.76. As explained in the supporting text to the allocation, securing adequate transport arrangements and funding the necessary mitigation of transport will be of particular importance (§C291).

7.77. The appeal proposals offer nothing to this carefully considered plan-led settlement in terms of other supporting uses or infrastructure to counterbalance the increase in dwelling numbers over and above that which has already been planned for.

7.78. The evidence of Mr Frisby deals with transport infrastructure in more detail. I rely upon his evidence, and I agree with it.

7.79. Mr Frisby explains that the Appellants have failed to demonstrate whether the highways impact of their development can be adequately accommodated on the local highway network in terms of highway capacity and safety; nor have they identified any stand-alone mitigation.

- 7.80. If the Appellants are reliant upon the delivery of Dorchester Living’s already approved mitigation, then they should self-evidently be making a proportionate contribution to the delivery of those measures, in line with the principles of Policy Villages 5.
- 7.81. Even if contributions are made, it is necessary to factor in housing delivery on the DL land and delivery on the recently approved Pye land in addition to the appeal proposals themselves. It is not sufficient to simply make a contribution and then build the scheme out. More housing would be delivered than envisaged by the original mitigation triggers and it seems likely to be necessary to hold back development on the appeal site (if allowed) through Grampian conditions to ensure that there are no unacceptable impacts in advance of the planned timing of mitigation actually being delivered.
- 7.82. Once again, I return to the fact that Policy Villages 5 requires a comprehensive approach. The supporting text makes it clear that even the greenfield land that is allocated will not be permitted to be developed independently of the main development and infrastructure contributions will be expected for the wider scheme. This is no doubt to avoid the greenfield releases from simply “piggy backing” on the developers of the remainder.
- 7.83. The policy itself, (under the overarching requirement of a comprehensive integrated approach) states that:-
- “- Measures to minimise the impact of traffic generated by the development on the surrounding road network will be required through funding and/or physical works, including to any necessary capacity improvements around Junction 10 of the M40, and to the rural road network to the west of the site and around Middleton Stoney including traffic calming and management measures.”**
- 7.84. Without appropriate mitigation and other measures to ensure that it is in place at the right time (restrictive planning conditions) the proposals would be at odds with the requirement for a comprehensive approach (which clearly relates to infrastructure provision and mitigation and not just master planning and good design). There would also be a conflict Policy INF 1 which relates to infrastructure provision.

## Summary

- 7.85. To summarise on the issue of whether Heyford Park is an appropriate location for speculative development with particular reference to Policy Villages 5:-
1. This is the wrong development at the wrong time.
  2. I accept that Heyford Park is a sustainable location for carefully planned and coordinated development.



3. However Policy Villages 5 encapsulates what the Development Plan regards as being sustainable development at Heyford Park and the proposals do not accord as a matter of principle, nor in substance.
4. A further 230 dwellings on the appeal site is not necessary to meet the required housing numbers allocated at Heyford Park or to fulfil its role in the spatial strategy. Planning permissions are already in place to meet and exceed the planned requirement of approximately 2,361 homes.
5. Speculative development that is outwith Policy Villages 5 should be approached with great caution. Heyford Park is unique. It should not be viewed as an “ordinary residential led development” which can simply be expanded in an unplanned and uncoordinated manner.
6. The adopted Local Plan does include some “limited,” but carefully selected areas of greenfield land for development in locations that would be “complementary to the approved development.” The appeal site is not one of the selected areas.
7. The appeal site does not adjoin existing development at Heyford Park. The land to the west would need to be built out before that could be the case. As things stand today, the appeal site would represent a detached and isolated enclave of development, poorly related to the rest of Heyford Park.
8. The land to the west now has planning permission but it has not been designed to integrate with the appeal site. Furthermore, the appeal site does nothing to integrate with the consented land to the west.
9. It would in effect be a large cul-de-sac of 230 dwellings served by a single point of access off Camp Road. It would not enable a “high degree of integration”, provide the necessary connectivity or “maximise the potential for walkable neighbourhoods” or represent “high quality design” overall as required by Policy Villages 5.
10. The proposals also fail to provide for a well-designed, ‘soft’ approach to the urban edge as required by Policy Villages 5.
11. The evidence of Mr Frisby explains that the Appellants have failed to demonstrate whether the highway impact of their development can be adequately accommodated on the local highway network in terms of highway capacity and safety; nor have they identified any stand-alone mitigation.
12. If the Appellants rely upon the mitigation that is to be provided by others then they should be proposing proportionate contributions and if the appeal is allowed, restrictions should be imposed to ensure that mitigation is in place for when it is needed, as envisaged by Policy Villages 5.

## Issue 3 – The emerging Cherwell Local Plan Review 2040 [CD.H1]

7.86. The Appellants in their Statement of Case place some reliance upon the emerging Cherwell Local Plan Review 2040 (eLP). That is because the eLP proposes to allocate a further 1,235 dwellings at Heyford Park as part of a planned expansion of the new settlement.

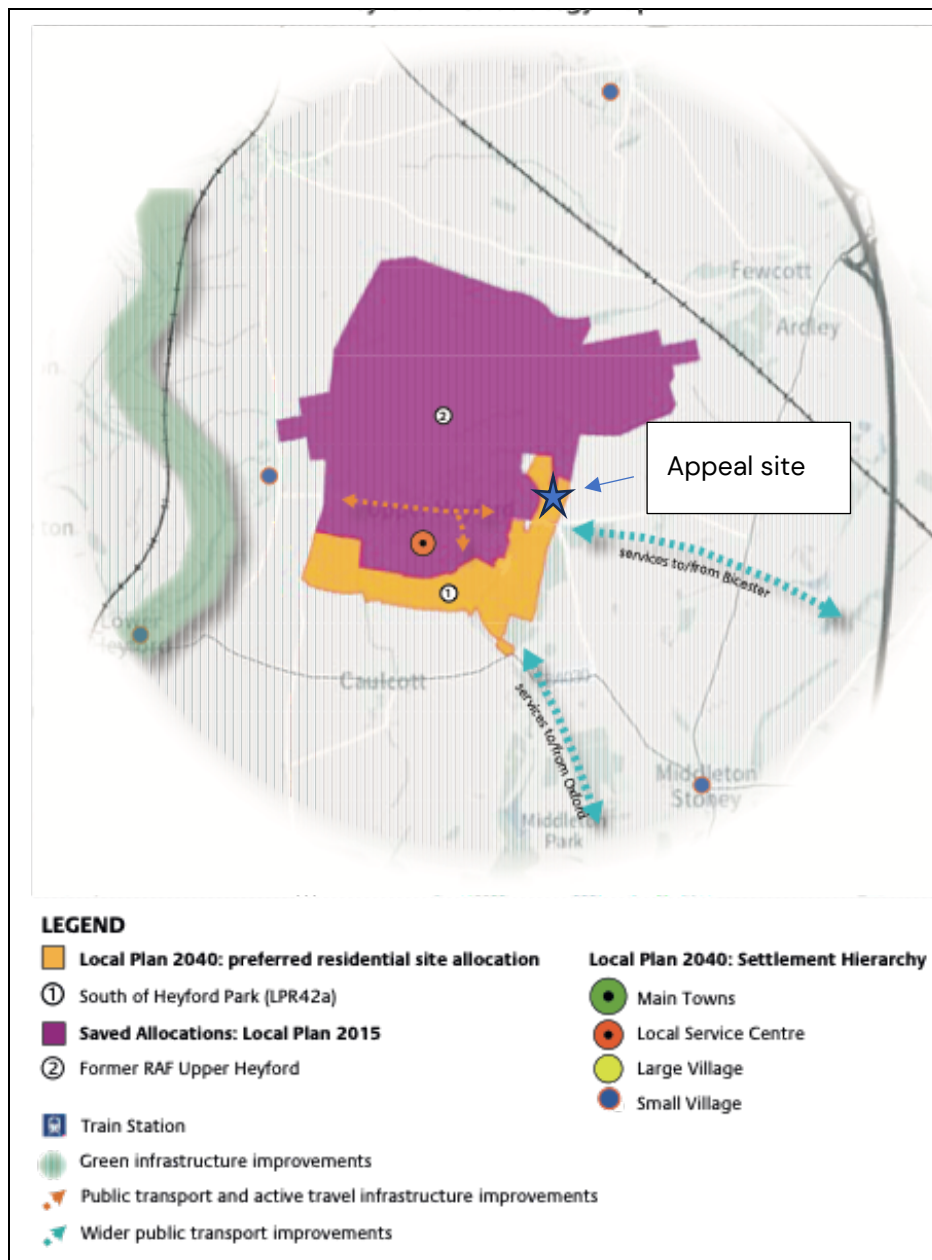
7.87. However, whilst this is indeed part of the emerging draft strategy it comes with a significant caveat at p.13, that being in relation to highways, which chimes with the evidence of Mr Frisby. It is evidently a “work in progress” and not all the solutions are known as yet:-

### **“Heyford Park**

- **Ensure the implementation of the committed growth at Heyford Park to fully establish the new settlement already planned;**
- **Provide for the future expansion of Heyford Park to meet future housing and infrastructure needs should highway capacity limitations be resolved.” (my emphasis)**

7.88. I recognise that the Heyford Area Strategy Map on p.205 indicates that the appeal site is a component of a larger preferred residential site allocation that could form part of the planned expansion (see extract below).





7.89. However any proposed allocation is long way from becoming part of the adopted Development Plan for the area and I would make the following observations in that regard:-

- a. It is only a first draft of the plan and it is still at a very early stage in the plan making process.
- b. The outcome of the consultation exercise on the eLP is still unknown.
- c. Heyford Park is a significant component of the eLP strategy, and I am in no doubt that there will be numerous objections and representations that will need to be reviewed and responded to.

- d. I am aware of other proposals for a different form of expansion of Heyford Park which may in due course be considered to be preferable for sound land use reasons to those in the current emerging local plan.
- e. The eLP is clear that further growth at Heyford Park is contingent upon delivery of necessary transport infrastructure (Core Policy 83) and that work is ongoing (see para 7.9).
- f. The plan will obviously need to be tested at Examination by an independent Inspector and we cannot prejudge the outcome of that process.
- g. We can only speculate on whether the appeal site will even be allocated when the plan is finally adopted.
- h. The eLP should therefore be afforded very little, if any weight in the determination of this appeal, having regard to national policy at NPPF §48.
- i. It merely shows that some expansion of Heyford Park may in due course be necessary in the future.

7.90. In any event the eLP proposes to carry forward the wording of Policy Villages 5 to any expansion land and there will be an expectation that any additional development is planned for and carried out in a comprehensive and integrated way. For the reasons that I have already identified earlier in my evidence, the appeal proposals do not take a comprehensive approach and they fall short of the already established place shaping principles of Policy Villages 5.

7.91. That said, I do not advance a pure prematurity argument, but consistent with my earlier evidence, Heyford Park is a delicately balanced plan-led development and any future allocation will need to strike the right balance. It is far too early to speculate or prejudge what may or may not become policy at some unknown point in time in the future.

7.92. We should also not overlook the fact that the eLP does not even envisage the additional allocated land coming forward before 2031. It states at paragraph 7.9 that:-

**“Further work will be needed before we can take a formal view on the proposal, but it is unlikely we would be looking at delivering this further development before 2031.”** (my emphasis)

7.93. The draft allocation policy itself (Core Policy 82 – Heyford Park) says as much and seeks to deliver the approved masterplan first. It also reemphasizes the need to secure transport infrastructure necessary to support the additional homes:-

**“Development will be supported on the newly allocated site after 2030 in the interests of:**

**i . first ensuring the delivery of the approved (2022) masterplan under Saved policy Villages 5, and**

**ii . Securing further sustainable transport infrastructure investment necessary to support the additional homes.” (my emphasis)**

7.94. Against this background context it is not necessary to make hurried decisions about the appeal site now, in isolation from the wider plan led strategy for Heyford Park. Indeed, it would make more sense to wait so that any future expansion of Heyford Park can be properly planned for on a comprehensive basis rather than approving speculative ad hoc development now that will only need to be planned around later.

7.95. The point may be tested as follows. If the appeal site were to be developed prior to the Pye Homes land then it would be obviously divorced from the developed area of Heyford Park. Even if it was developed after or in parallel the lack of linkages will mean that travel patterns for future residents of the appeal site will be fixed and will not be maximizing non-car modes. That is patently not the intention of Policy Villages 5, in its current or emerging form.

7.96. In conclusion, I do not see the eLP as a compelling reason to allow this appeal. If anything, it adds to my contention that one should be cautious about releasing land for development on an ad-hoc basis now, and why a comprehensive approach is still to be preferred if it is allocated in the future.

## Summary

7.97. To summarise on the emerging Local Plan:-

1. I recognise that the eLP proposes to allocate a further 1,235 dwellings Heyford Park as part of a planned expansion of the new settlement.
2. I also recognise that the appeal site is one component of a much larger preferred residential site allocation.
3. However the eLP is still at a very early stage in the plan making process. Consultation was ongoing at the time of writing this evidence and we can only speculate on whether the appeal site will even be allocated when the plan is finally adopted.
4. In the context of national policy at §48 of the NPPF, I would afford the eLP very little, if any weight in the determination of this appeal.
5. In any event the eLP carries forward Policy Villages 5 and the expectation that any additional development is planned for and carried out in a comprehensive and integrated way. The appeal proposals do not accord with those principles.



6. Furthermore, the additional land is not even proposed to come forward until after 2031 and work is ongoing with regards to the transport infrastructure and mitigation that will be necessary to support additional housing.
7. I do not see the eLP as a compelling reason to allow this appeal. If anything, it adds to my contention that one should be cautious about releasing land for development on an ad hoc basis now.

## 8. THE OVERALL PLANNING BALANCE

- 8.1. The planning balance is ultimately a matter of judgement for the decision maker. The Inspector will obviously need to reach her own conclusions, but I will now explain how I believe that the Inspector should approach the determination of this appeal.

### The Decision Making Framework

- 8.2. The planning system should be genuinely plan-led Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In this case I have demonstrated that the appeal proposals would not accord with the Development Plan and so the starting position should be that this appeal should be dismissed.
- 8.3. It is for the Appellants to identify other material considerations that might justify a departure from the Development Plan.
- 8.4. The LPA disputes the Appellants' claims that it is unable to demonstrate a five year housing land supply and I note that in the very recent Finmere appeal decision dated 31<sup>st</sup> October 2023 , Inspector Bore accepted that the LPA could demonstrate a 5YRHLS [CD.M16 §12].
- 8.5. Unless or until this the LPA's position is found to be wrong then the most important policies for this appeal will not be deemed to be out date. The Appellants do not argue that the most important policies are out of date for any other reason.
- 8.6. If the Inspector concludes that the LPA is unable to demonstrate a 5 Year Housing Land Supply as required by the NPPF, then as a consequence, footnote 8 of the NPPF is engaged, the most important policies for determining the application are deemed out-of-date and the appeal would then need to be determined in the tilted balance.
- 8.7. However, the tilted balance does not change the statutory presumption in favour of the Development Plan set out in Section 38(6) of The Planning & Compulsory Purchase Act 2004. Even if policies are deemed out of date, the weight to be afforded to those policies remains a matter for the decision maker.
- 8.8. Once paragraph 11d(ii) is engaged, the decision maker must consider whether any adverse impacts arising from granting planning permission would significantly and demonstrably outweigh the benefits. The Suffolk Coastal judgement indicates that the decision maker must then consider in the context of Section 38(6) of the 2004 Act whether these amount to "other material considerations" that justify the grant of planning permission.

### Compliance with the Development Plan

- 8.9. I consider that the appeal proposals do not accord with the Development Plan for the area. The conflict with the plan is not trivial; it is serious.

- 8.10. The Development Plan takes a plan led approach to development through the allocation of sites for development in accordance with the spatial strategy and through development management policies. The site is not allocated for development, and the Appellants cannot point to any policy that positively supports this scale and form of development in what is open countryside in planning policy terms.
- 8.11. **Saved Policy H18** allows for specified types of development in the countryside but the appeal proposals would not qualify as one of the types that will be permitted. **Saved Policy C8** otherwise seeks to resist sporadic development in the open countryside beyond the built-up limits of settlements.
- 8.12. The Spatial Strategy seeks to direct most of the growth of the District to the main towns of Bicester and Banbury but the appeal site is not at one of those locations.
- 8.13. With regards to the rural areas, **Policy Villages 1, 2 and 3** do not apply in this case and so the appeal proposals gain no support from those policies.
- 8.14. The Appellants places some reliance on the fact that the site is adjacent to the Former RAF Upper Heyford site which is allocated through **Policy Villages 5**. However, the site is not part of the allocation and so it cannot gain any support from this policy. Furthermore, it is not needed to achieve the housing numbers allocated to the site (which have already been exceeded). In any event the proposals do not respect the comprehensive and integrated approach required by the policy and it would fail to deliver on some of the key design and place shaping principles. There would also be conflict with **Policy ESD15** which seeks to deliver high quality development and improve the way areas function. It also conflicts with **Policy ESD1** which seeks to amongst other things reduce the need to travel by car and reduce carbon emission.
- 8.15. It also fails to deliver necessary infrastructure through physical works or funding required for the Policy Villages 5 allocation. This also brings the proposals into conflict with **Policy INF 1**.
- 8.16. The evidence of Mr Frisby deals with traffic and transportation and it leads to the conclusion that the proposals do not accord with **Policy SLE4**.

### **The Appellants' reliance on Policy PSD1**

- 8.17. The Appellants say that the proposals accord with the Development Plan read as a whole. It would seem that they rely solely on Policy PSD1 to be able to stake this claim. There is no other policy which supports the proposals. I would make the following observations:-

#### **Policy PSD1 is no longer consistent with the NPPF**

- 8.18. Policy PSD1 is itself out of date. The presumption in the NPPF was changed after the adoption of the Local Plan and paragraph 11d refers to the "most important" policies being out of date.

Policy PSD1 just refers to “relevant” policies. Even if NPPF footnote 8 is triggered in this case, it does not deem “relevant” policies out of date.

- 8.19. The policy needs to be applied as it is written. We cannot import replacement words from the current NPPF into the policy to change its meaning.

**Reliance on a finding that out of date policies are out of date**

- 8.20. It is somewhat ironic that the Appellant requires the most important development plan policies to be out of date in order to claim compliance with the plan. That is not the same as being in accordance with an up to date Development Plan as would be the case if it was NPPF paragraph 11c that was being relied upon.

**Does this add anything to the Appellants’ case anyway?**

- 8.21. Even if Policy PSD1 was identical to the current NPPF paragraph 11, and the Inspector agreed that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, then planning permission would normally be granted at that stage anyway (assuming no NPPF footnote 7 policies caused the tilted balance to be disapplied).

- 8.22. It is not necessary to go to another stage to then say that the proposals therefore accord with the Development Plan. This adds nothing.

**The Benefits that weigh in favour of the grant of permission**

- 8.23. I recognise that the appeal proposals if allowed, would secure a range of important benefits I have outlined the benefits of the appeal proposals below.<sup>3</sup>

**The Social Benefits**

- 8.24. The Government openly recognises that the country is in the middle of a housing crisis<sup>4</sup> and it is a national planning policy imperative to significantly boost the supply of housing. I am well familiar with the problems arising from the inadequate supply of housing nationally.

- 8.25. Normally I would have afforded significant weight to the provision of **additional open market homes and housing delivery generally**. However if the LPA can demonstrate a 5YRHLS, then the importance of this site to housing delivery in the District is reduced ie. speculative development outwith the Development Plan is not necessary to maintain the supply of housing now. Moreover, the housing is not necessary at Heyford Park given that sufficient planning permissions are already in place to meet the requirements of the allocation.

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<sup>3</sup> For the avoidance of doubt, the weightings that I will apply are as follows:- Very Limited, Limited, Moderate, Significant and Substantial.

<sup>4</sup> Housing White Paper, Fixing our Broken Housing Market (February 2017)

- 8.26. The speed of delivery and in turn, the contribution that this site will make in the short term will also be factors to take into account when affording weight to housing as a benefit.
- 8.27. I note that the Appellants say that there is a 5YRHLS shortfall against a base date of April 2022 and it will be argued that there is a pressing need to release this site so that it can help address that shortfall.
- 8.28. Assuming the appeal is allowed in February/March 2024, then there are still a number of steps that need to be taken before the site starts delivering completions:-
- a. Market and sell the site to a developer – noting that the Appellants are land promoters and not housebuilders
  - b. Secure reserved matter approval(s) – at least 1 year from outline (March 2025)
  - c. Discharge outline and reserved matter conditions
  - d. Start on site
  - e. Housing construction and first completions – say 2 years from RM approval (March 2027)
  - f. Thereafter circa 40dpa according to the Appellants' EIA [CD.B5 §4.5.1]
- 8.29. Given that the 5YRHLS period is 1st April 2022 to 31st March 2027 [SoCG 8.21] then I would be surprised if there was even a handful of completions by March 2027 (if any). The fact that the site will make little if any meaningful contribution to supply in the relevant five year period ought to diminish the weight to be afforded to this benefit.
- 8.30. Furthermore, we have the evidence of Mr Frisby which indicates that housing delivery in this location will need to be held back pending the delivery of necessary traffic and transport infrastructure.
- 8.31. We also have concerns about the deliverability of the site from a foul drainage perspective. The letter from DL's drainage engineers which I attach as my Appendix 1 identifies the following points which are of concern to me:-
- a. The nearest point of connection to the Thames Water adoptable foul sewer is some **2.2km to the west** of the proposed development along Camp Road.
  - b. A pumping station and a 2.2km rising main along Camp Road will be required
  - c. There would be an abnormal cost in the region of £1.6m
  - d. Digging up Camp Road may even require full closures in some areas and will cause significant disruption over a period of circa 9 months, and



- e. This will likely have an impact on the delivery of housing on the other already consented parts of the Heyford Park development.

#### APPENDIX 1 – LETTER FROM WOODS HARDWICK ON FOUL DRAINAGE MATTERS

- 8.32. All of this tempers the weight that I would afford to the delivery of housing on this site. I would afford it moderate/significant weight in this case.
- 8.33. As well as increasing the availability of open market housing, I recognise that the proposals would provide additional **affordable homes (at 35%)**. The affordable housing is also likely to be delayed for the reasons given above, but given the need for affordable housing I would still afford this significant weight in any event.

#### **The Economic Benefits**

- 8.34. The NPPF at paragraph 81 specifies that “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. Consistent with national policy I attach significant weight to the economic benefits.
- 8.35. The appeal proposals will provide **financial contributions towards off-site community infrastructure**. I recognise that these payments are essentially required to mitigate the impact of the development, however, they do still represent new investment in community infrastructure which otherwise would not happen and which will also be used by existing residents living in the surrounding area. This should be afforded limited weight as a benefit.

#### **Environmental Benefits**

- 8.36. The proposals provide for additional **public open space**. Again this is essentially to meet the needs of new residents. I would afford this limited weight.
- 8.37. The appeal proposals would deliver **other green infrastructure and biodiversity enhancements** through new planting. The SoCG refers to a BNG of 12.7%. I would afford these benefits limited/moderate weight.

#### **The Adverse Effects to be Weighed in the Planning Balance**

- 8.38. In addition to beneficial effects there would also be adverse effects that must be weighed in the planning balance.

#### **Harm to the plan led process**

- 8.39. The site is not allocated for development, and speculative development in this location is not needed at this point in time. For the reasons already outlined, the principle of development

is contrary to the Development Plan and this attracts substantial weight in the planning balance. The Development Plan is up to date and its policies should be afforded full weight.

- 8.40. If the LPA cannot demonstrate a 5YRHLS then it may be necessary to release unallocated land. In doing so it may be appropriate to afford reduced weight to certain policies including saved policies C8 and H18 so as not frustrate the boost in housing supply. However, there are other policies that would still be offended, and that should still be afforded full weight regardless of whether tilted balance is engaged or not.

**Poor design and failure to deliver development in a comprehensive and integrated way contrary to Policy Villages 5**

- 8.41. I do not intend to repeat my earlier evidence on this point. In summary this speculative and uncoordinated development fails to deliver against the requirement for a comprehensive and integrated approach to development at Heyford Park. It would in turn offend a number of the key place shaping principles in Policy Villages 5.
- 8.42. Even at this outline stage, the proposals represent poor design with inadequate connectivity and integration with surrounding land parcels. They also fail to provide for the “soft edge” to the new settlement. I would afford these adverse effects substantial weight.

**Traffic and Transportation**

- 8.43. All parties agree that the appeal proposals will increase the amount of traffic on the local network. That is inevitable with a development like this. NPPF paragraph 111 provides the test the needs to be applied in this case. It states that:-

**“111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”** (my emphasis)

- 8.44. If the Inspector concludes that there would be an unacceptable impact on highways safety or the residual cumulative impacts would be severe then the appeal could be dismissed on these grounds alone. The same would apply if the Inspector has insufficient information to be able to reach a conclusion on these important matters.
- 8.45. In summary the evidence of Mr Frisby explains that:-
- a. The Appellant’s submitted Transport Assessment site was not undertaken in a consistent approach to other Policy Villages 5 applications.
  - b. As such, in its submitted form it is not possible in his opinion, to adequately determine whether the Appellants’ proposals will/or will not have a severe residual impact in terms of safety and capacity on the surrounding highway network.

- c. His analysis has demonstrated that the Appellant has not identified suitable mitigation.
- d. Without this there could be a severe residual impact on highway capacity.
- e. Where the appeal scheme does rely on the mitigation of others, without Section 106 contributions, it could be considered a parasitic application, and it should therefore:
  - be expected that the Appellant would at least be making a proportionate contribution to the delivery of those measures;
  - ensure that the Appellants scheme should be held back until such time as the mitigation is delivered, through appropriate Grampian Condition(s); and
  - present appropriate mitigation at all key/sensitive locations.
- f. As of 31st October 2023, the Appellant has not confirmed in writing or progressed Section 106 contributions with Highways Officers at OCC. As such Mr Frisby fails to see how CDC were able to enter into a Statement of Common Ground stating no objection to Highways matters on 2nd October 2023.
- g. Overall, in the absence of all the above, Mr Frisby says that the reason for refusal should be upheld and the Appeal dismissed.

8.46. Mr Frisby also supports my own concerns with regards to connectivity and integration with the wider Heyford Park development in terms of maximising walking and cycling.

8.47. In view of the above having regard to NPPF paragraphs 110–112 and Policy Villages 5 I consider that the concerns raised attract substantial adverse weight in the planning balance.

#### **Other adverse effects**

8.48. Dorchester Living in its original objection to the application also raised other concerns including landscape and visual impact as well as heritage. I don't present evidence on these matters because these can be left to the LPA to defend as part of RfR 1 and it would be disproportionate to do so given that the objections raised in my evidence and that of Mr Frisby are of sufficient weight to justify withholding planning permission in this case.

8.49. With regards to the resultant **loss of countryside and landscape impact** generally, the NPPF requires decision makers to recognise the intrinsic character and beauty of the countryside. In this case it is simply not necessary to release this greenfield site for development in the current circumstances. I would afford these harms moderate weight

8.50. As for **heritage**, if the Inspector finds that there would be less than substantial harm to designated heritage assets arising from development in their settings then this will be a

matter of considerable weight and importance and will introduce a strong presumption against the development.

## My Overall Conclusion on the Planning Balance

- 8.51. My overall conclusion is that the appeal proposals do not accord with the Development Plan when it is read as a whole and there are no other material considerations that justify a departure from the plan. The appeal should therefore be dismissed.
- 8.52. Even if the tilted balance in NPPF Paragraph 11d(ii) is engaged, I consider that the residual adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the development.

## Summary

- 8.53. To summarise on the overall planning balance:-
1. The appeal proposals would not accord with the Development Plan when it is read as a whole. The level of conflict is serious and not trivial.
  2. The most important policies are not out of date for reasons relating to housing land supply as the LPA claims to have a 5.4 year supply.
  3. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted as per NPPF §12.
  4. There are no material considerations that justify a departure from the Development Plan in this case.
  5. I accept that the proposals would deliver a range of social, economic and environmental **benefits** which can be afforded varying levels of weight as identified below:-
    - a. Provision of Open Market Housing – Moderate/Significant
    - b. Provision of Affordable Housing – Significant
    - c. Economic benefits – Significant
    - d. Financial contributions towards off site infrastructure – Limited
    - e. Public open space – Limited
    - f. Other green infrastructure and biodiversity enhancements – Limited/Moderate
  6. The potential residual **adverse** impacts have been identified and these should also be afforded varying degrees of weight as follows:
    - a. Harm to the plan led process – Substantial



- b. Traffic and Transportation – Substantial
  - c. Poor design and lack of integration contrary to Policy Villages 5 – Substantial
  - d. Loss of countryside and landscape harm to the site itself – Moderate
7. Others are presenting evidence on issues such as heritage visual impact and this is likely to add further harms that weigh against the grant of planning permission.
  8. Even in the tilted balance (if engaged) the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
  9. Whichever planning balance is applied, the proposals do not represent sustainable development and so this appeal should be dismissed.



## **9. PLANNING CONDITIONS AND OBLIGATIONS**

- 9.1. Dorchester Living reserve the right to participate in the conditions and s.106 roundtable session.
- 9.2. At the time of writing, the final draft s.106 obligations are not available and I would also reserve the right to make further written submissions once this becomes available.

## 10. SUMMARY & CONCLUSIONS

10.1. My Proof of Evidence has been prepared on behalf of on behalf of Dorchester Living (DL). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of OS Parcel 1570 Adjoining and West of Chilgrove Drive and Adjoining and North of, Camp Road, Heyford Park (the Appeal Site).

10.2. Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S Dean, NP Giles and A L C Broadberry (the Appellants) lodged an appeal on 27th July 2023 following the decision of Cherwell District Council (the Local Planning Authority) to refuse an Outline Planning Application (LPA ref. 21/04289/OUT) for a proposed development comprising:-

**“Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access.”**

10.3. I present the planning policy evidence on behalf of Dorchester Living and this concentrates on the following issues:-

**Issue 1            The principle of development**

**Issue 2            Whether this speculative development at Heyford Park is appropriate with particular reference to Policy Villages 5**

**Issue 3            The emerging Cherwell Local Plan Review 2040**

**The Overall Planning Balance**

10.4. My main findings can be summarised as follows:-

### **Issue 1 The principle of development**

1. This is the wrong development at the wrong time.
2. I accept that Heyford Park is a sustainable location for carefully planned and coordinated development.
3. However Policy Villages 5 encapsulates what the Development Plan regards as being sustainable development at Heyford Park and the proposals do not accord as a matter of principle, nor in substance.
4. A further 230 dwellings on the appeal site is not necessary to meet the required housing numbers allocated at Heyford Park or to fulfil its role in the spatial strategy. Planning permissions are already in place to meet and exceed the planned requirement of approximately 2,361 homes.

5. Speculative development that is outwith Policy Villages 5 should be approached with great caution. Heyford Park is unique. It should not be viewed as an “ordinary residential led development” which can simply expanded in an unplanned and uncoordinated manner.
6. The adopted Local Plan does include some “limited,” but carefully selected areas of greenfield land for development in locations that would be “complementary to the approved development.” The appeal site is not one of the selected areas.
7. The appeal site does not adjoin existing development at Heyford Park. The land to the west would need to be built out before that could be the case. As things stand today, the appeal site would represent a detached and isolated enclave of development, poorly related to the rest of Heyford Park.
8. The land to the west now has planning permission but it has not been designed to integrate with the appeal site. Furthermore, the appeal site does nothing to integrate with the consented land to the west.
9. It would in affect be a large cul-de-sac of 230 dwellings served by a single point of access off Camp Road. It would not enable a “high degree of integration”, provide the necessary connectivity or “maximise the potential for walkable neighbourhoods” or represent “high quality design” overall as required by Policy Villages 5.
10. The proposals also fail to provide for a well-designed, ‘soft’ approach to the urban edge as required by Policy Villages 5.
11. The evidence of Mr Frisby explains that the Appellants have failed to demonstrate whether the highways impact of their development can be adequately accommodated on the local highway network in terms of highway capacity and safety; nor have they identified any stand-alone mitigation.
12. If the Appellants rely upon the mitigation that is to be provided by others then they should be proposing proportionate contributions and if the appeal is allowed, restrictions should be imposed to ensure that mitigation is in place for when it is needed, as envisaged by Policy Villages 5.

## **Issue 2 Whether this speculative development at Heyford Park is appropriate with particular reference to Policy Villages 5**

13. This is a case where the principle of development does not accord with the Development Plan.
14. It is not plan-led development. It is a speculative proposal on a site that is not allocated for housing (or indeed any other form of development). The site is also not within a defined settlement and nor is it previously developed land. It is unallocated greenfield land in the open countryside.
15. There is no policy that the Appellants can point to that positively supports this type of development in this location.



16. The proposals are not consistent with the Vision, Strategy and Objectives of the Local Plan which seek to focus the bulk of the proposed growth in and around Bicester and Banbury, limiting growth in rural areas and aiming to strictly control development in open countryside.
17. I accept that the Local Plan does identify a major location for growth at the former RAF Upper Heyford base to deliver 2,361 homes and the appeal site is located adjacent the allocation. However, the site is not part of the Local Plan allocation. It therefore gains no support from Policy Villages 5.
18. The appeal proposals also gain no support from Policy Villages 1, 2 or 3.
19. Policy H18 allows for certain types of housing in the countryside but the appeal proposals would not qualify as one of the types of development that will be permitted under that policy.
20. The proposals are in direct conflict with saved Policy C8. The Policy says that sporadic development in the countryside will be resisted. The supporting text says that the policy will apply to all new development proposals beyond the built-up limits of settlements.

### **Issue 3 – The emerging Cherwell Local Plan Review 2040**

21. I recognise that the eLP proposes to allocate a further 1,235 dwellings Heyford Park as part of a planned expansion of the new settlement.
22. I also recognise that the appeal site is one component of a much larger preferred residential site allocation.
23. However the eLP is still at a very early stage in the plan making process. Consultation was ongoing at the time of writing this evidence and we can only speculate on whether the appeal site will even be allocated when the plan is finally adopted.
24. In the context of national policy at §48 of the NPPF, I would afford the eLP very little, if any weight in the determination of this appeal.
25. In any event the eLP carries forward Policy Villages 5 and the expectation that any additional development is planned for and carried out in a comprehensive and integrated way. The appeal proposals do not accord with those principles.
26. Furthermore, the additional land is not even proposed to come forward until after 2031 and work is ongoing with regards to the transport infrastructure and mitigation that will be necessary to support additional housing.
27. I do not see the eLP as a compelling reason to allow this appeal. If anything, it adds to my contention that one should be cautious about releasing land for development on an ad hoc basis now.

## The Overall Planning Balance

28. The appeal proposals would not accord with the Development Plan when it is read as a whole. The level of conflict is serious and not trivial.
29. The most important policies are not out of date for reasons relating to housing land supply as the LPA claims to have a 5.4 year supply.
30. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted as per NPPF §12.
31. There are no material considerations that justify a departure from the Development Plan in this case.
32. I accept that the proposals would deliver a range of social, economic and environmental **benefits** which can be afforded varying levels of weight as identified below:-
  - a. Provision of Open Market Housing – Moderate/Significant
  - b. Provision of Affordable Housing – Significant
  - c. Economic benefits – Significant
  - d. Financial contributions towards off site infrastructure – Limited
  - e. Public open space – Limited
  - f. Other green infrastructure and biodiversity enhancements – Limited/Moderate
33. The potential residual adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:
  - a. Harm to the plan led process – Substantial
  - b. Traffic and Transportation – Substantial
  - c. Poor design and lack of integration contrary to Policy Villages 5 – Substantial
  - d. Loss of countryside and landscape harm to the site itself – Moderate
34. Others are presenting evidence on issues such as heritage visual impact and this is likely to add further harms that weigh against the grant of planning permission.
35. Even in the tilted balance (if engaged) the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
36. Whichever planning balance is applied, the proposals do not represent sustainable development and so this appeal should be dismissed.



## Concluding Comments

- 10.5. Having undertaken a planning balance in the way that has been outlined, I reach the conclusion that the proposals do not represent an appropriate and sustainable form of development in this location and that there are compelling reasons that justify withholding planning permission.
- 10.6. In view of the foregoing, the Inspector is respectfully requested to dismiss this appeal.



## APPENDIX 1 – LETTER FROM WOODS HARDWICK ON FOUL DRAINAGE MATTERS

6<sup>th</sup> November 2023

Simon Fry  
Dorchester Living  
Heyford Park House  
Bicester  
OX25 5HD

Dear Simon

**RE:** RICHBOROUGH ESTATES AND LONE STAR LAND, HEYFORD PARK, UPPER HEYFORD

Woods Hardwick Ltd have been appointed by Dorchester Living Ltd to review the drainage proposals detailed within the Sustainable Drainage Statement, Revision P02, produced by BWB Consulting Ltd.

Woods Hardwick Ltd are a multi-disciplinary development consultant that was formed over 40 years ago. One of the many specialisms of the firm is the design of the Civil Engineering requirements of new developments.

Woods Hardwick have been involved in the Dorchester Living/Vistry Heyford Park development since 2012 and have extensive knowledge of highways, drainage and topographical constraints across the development.

The Richborough Estates and Lone Star Land (referred to hereafter as “the proposed site”) sits to the east of the Dorchester development, accessed off Camp Road.

The proposed site occupies an area that sits within the jurisdiction of Thames Water with regard to foul water, and immediately adjacent to, but outside of, the County Water area. The nearest point of connection to the Thames Water adoptable foul sewer is noted as MH9901 some 2.2km to the west of the proposed development along Camp Road.

The topography of Camp Road can be described as undulating. It is not reasonably possible to achieve a gravity solution from the proposed site to the point of connection and therefore a foul pumping station would be required on the site which is currently not shown on the illustrative layout. This will provide certain constraints on the layout, such as being accessible from public highway and being able to accommodate the appropriate cordon sanitaire without impact on the proposed developable extents shown on the parameter plans.

A rising main would be required to carry foul flows from the pumping station to the outfall. This would need to be laid along 2.2km of the existing Camp Road.

Camp Road is the main distributor road through the existing development serving over 1300 built/consented dwellings within the development and also through routes linking a number of villages to each other and the M40. It is also the main access to the flying field which serves a number of commercial uses, one of which leads to a large number of articulated car transporter movements for a large proportion of Camp Road. The carriageway is typically 6.1m wide with build outs to provide traffic calming. This corridor provides a strategic drainage function containing strategic foul and surface water drainage for the existing and proposed development either side, as

well as providing the main distribution corridor for all of the site's utilities within one or both of the footway/cycleways.

While there is space to accommodate a new rising main within this cross section it will be a particularly convoluted route, largely central to the carriageway or switching from one lane to the other to avoid existing utilities.

It is anticipated that the installation of such a rising main along the full length of Camp Road would be an abnormal cost (circa £1.6m) and it will cause significant disruption (estimated programme being circa 9 months). This will likely require full closures in some areas to safely complete the works. This will need careful planning with regard to some of the larger articulated vehicle movements and is likely to lead to very restricted working hours and times of work. Such disruption is likely to have an impact on the delivery of housing on the other already consented parts of the Heyford Park development.

The applicant should demonstrate that they can complete this infrastructure within a reasonable timescale and should consult with the Highway Authority to understand their requirements. A full ground penetrating radar survey and drainage survey should be undertaken along Camp Road to further demonstrate that there is sufficient room to accommodate the rising main without further diversion of existing infrastructure.

We note the strategy makes reference to the potential option of providing a site specific onsite foul treatment works. This is not currently shown on the layout. It should be demonstrated that such essential infrastructure can be accommodated spatially with necessary allowances for access and cordon sanitaire without impact on the parameter plans.

In light of the above we consider that the applicant has not fully evidenced that the foul water proposals are viable, both technically and with regard to deliverability.

Yours Sincerely  
for and on behalf of WOODS HARDWICK LTD

A handwritten signature in black ink, appearing to read 'J. G. Freeman', written over a horizontal line.

John Freeman MEng CEng MICE MCIHT MIOB  
Director

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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