
Appellant's Planning Rebuttal Proof of Evidence

**APP/C3105/W/23/3326761, OS Parcel 1570 Adjoining And West Of
Chilgrove Drive And Adjoining And North Of, Camp Road, Heyford Park.**

Appeal by Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S
Dean, NP Giles, A L C Broadberry against the refusal of application reference
21/04289/OUT by Cherwell District Council for:

“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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1. Introduction

- 1.1. This is a planning rebuttal proof of evidence prepared by David Bainbridge, Planning Director at Savills, on behalf of the Appellant.
- 1.2. This rebuttal deals with matters raised in the planning proofs of evidence by Andy Bateson acting on behalf of Cherwell District Council ('CDC') as local planning authority and by David Hutchison of Pegasus Group on behalf of Dorchester Living.
- 1.3. The evidence which I have provided in this rebuttal proof of evidence is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute and I can confirm that the opinions expressed are my true and professional opinions.

2. Proof of Evidence: Andy Bateson

2. Appeal Proposal

- 2.1. Paragraph 2.5 – this states that the proposal is to achieve a net gain in habitat units of 12.37%. The biodiversity metric (version 3.0) submitted with the planning application states 12.32%. This might just be a minor typographical error in the proof of evidence arising from the statement of common ground agreed between CDC and the Appellant and hence this comment is simply intended to clarify the position. There is no objection to the proposed development on the grounds of ecology and biodiversity in the planning application consultation response of CDC's ecology officer dated 6 February 2023 (Core Document D5). Draft planning conditions have been agreed between CDC and Appellant in the statement of common ground (Core Document E7) in respect of a construction, environment management plan for biodiversity, and a landscape and ecology management plan.
- 2.2. Paragraph 2.6 – this refers to a draft revised indicative Land Use Parameters Plan submitted under a different planning application on the appeal site. This planning application was not determined by CDC and the plan referred to has not been submitted for consideration under this planning appeal.

3. Site and Surroundings

- 2.3. Paragraph 3.1 – this states that the appeal site comprises 11.68ha of agricultural pastural farmland. This is not correct. The Ecological Impact Assessment by Ramm Sanderson (Core Document A17) identifies that the appeal site comprised of ephemeral vegetation, amenity grassland, improved grassland, broadleaved plantation woodland, dense and scattered scrub, broadleaved scattered trees, poor semi-improved grassland, tall ruderal, inundation vegetation, standing water, intact species-poor hedgerow, intact species poor with trees, dry and wet ditch, running water, buildings and bare ground.
- 2.4. Paragraph 3.2 – this states that the land to the west is separated from the appeal site by a small brook with mature hedgerow and occasional trees alongside. This is not correct. The appeal site adjoins the consented site to the west. Both sites shared a boundary with one another. There is a watercourse present on the appeal site, known as Gallos Brook. This partly runs along or within proximity to the boundary between the sites. It should not be characterised as separating the appeal site and the site to the west.
- 2.5. Paragraph 3.3 – this states that the land slopes downward gently from the eastern boundary at circa. 77-78m AOD to the western boundary, at circa. 65m AOD. This is not correct. The Flood Risk Assessment

(Core Document A16) states at paragraph 1.5 that levels are shown to range from approximately 121m AOD (Above Ordnance Datum) in the north east to 115m AOD within the south west corner of the site. There is a plan of the generalised topography of the site at figure 1.2 and the topographical survey plan of the site is contained at appendix 1.

- 2.6. Paragraph 3.4 – this states that extensive open farmland lies to the east beyond Chilgrove Drive and to the south beyond Camp Road. This is not a full description because Duvall Park and a sewage treatment works are located to the south of Camp Road to the south west of the appeal site and there is wooded area to the south of Camp Road either side of the road junction which is known as The Heath.
- 2.7. Paragraph 3.5 – this states that the site appears not to be connected to the existing urban area and reads as being an attractive pastoral landscape that contributes to the open rural setting of Heyford Park and the general openness and setting to the RAF Upper Heyford Conservation Area. I defer to the landscape proof of evidence from Wendy Lancaster for the Appellant, in particular section 5 Responding to the Reasons for Refusal and Disputed Matters. At paragraph 5.10, Mrs Lancaster finds that the appeal site and the surrounding location are both visually and perceptually related to the existing settlement and this relationship will strengthen once the development to the west has been constructed, and even further once the Creative Hub and proposed HGV route are completed.
- 2.8. Please see attached plan of the highway works which is contained in the 8 September 2022 s.106 planning obligation by deed of agreement (Core Document N16). This is described as ‘Camp Road/Chilgrove Drive Junction Improvements’, drawing reference: 39304/5501/SK26 revision I, being one of the ‘Works Plans’ in this legal agreement. This shows a primary HGV access road and bus route approximately 17m wide as it approaches the new junction, where it widens to a two lane entry and is c.12m wide beyond that to the north, in providing for the two-way carriageway, verge strip and shared footway/cycleway facility. Annex 2 to the Sixteenth Schedule defines the bus route and primary HGV access specification. This requires this new road to meet certain specifications including for it to be used by HGVs.
- 2.9. Paragraph 3.6 – this states that the appeal site is currently accessed via a field gate from Camp Road. This is correct but it is relevant to state that the appeal site can also be accessed via a gated entrance through the site to the west off the access to Letchmere Farm.
- 2.10. Paragraph 3.8 – this states that this part of the countryside, including the appeal site, serves as a visually significant landscape buffer. The Landscape Statement of Common Ground between the Appellant and

CD dated 5 December 2023 (Core Document E10) agrees that the Appellant's Environmental Statement concluded that there would be no major landscape and visual effects arising as a result of the appeal proposals, when considered in combination with other planned and under construction schemes in the wider area.

4. Site and Surroundings Planning History

- 2.11. Paragraph 4.2 – does not adequately explain the position of CDC officers under the pre-application engagement. Core Document C5 should be referred to which is 'Officer Advice offered at 2-hour MS Teams Meeting with Applicants/Appellants in respect to a Pre-Application submission Ref: 21/01745/PREAPP on 24th June 2021.' This shows that CDC officers considered Heyford Park provides a good range of services and facilities which are accessible to the site including by sustainable travel model in the context of the former RAF Upper Heyford airbase being identified as a strategic site for development in the local plan. It is agreed in the statement of common ground between the Appellant and CDC (Core Document E7) that Policy Villages 5 identifies the CDC position that Heyford Park is a sustainable location in the District, that many of the facilities within Heyford Park are located within reasonable walking and cycling distance from the appeal site and the proposals broadly comply with paragraph 105 in the NPPF. This aims to ensure that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 2.12. Paragraph 4.4 – this refers to composite parameter plan for Heyford Park which is Core Document N5. The text under the extract of the composite parameter plan does not include mention of Parcel 22 Creative City and Commercial Land as it is described on the plan. This land is to the north of the appeal site. The annotation on this plan states that a fence will be between Creative City and Commercial Land and there is indication of a primary pedestrian / cycle route running approximately east-west within proximity to the north boundary of the appeal site. A Building Heights Parameter Plan is contained as Core Document N6 but is not referred to in paragraph 4.4 of Mr Bateson's proof of evidence. This plan identifies a maximum building height of up to 10.5 metres above future ground level for the Commercial Land and a maximum building height of up to 18 metres on part of Creative City. The notes on this plan state that the ground level allows for a maximum of 1.5 metres above the existing ground level. Planning condition number 4 of planning permission reference: 18/00825/HYBRID (Core Document N15), states that except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents listed which includes the aforementioned Building Heights

Parameter Plan. This demonstrates the upper building heights on land to the north of the appeal site. CDC expect this development to be delivered being within the trajectory for delivery and no party has suggested otherwise.

5. Planning Policies

- 2.13. Paragraph 5.7 – this states that other relevant policies to the determination of this appeal are set out in the Council’s Statement of Case. The CDC Statement of Case dated 18 September 2023 (Core Document E3) does not set out other relevant planning policies to those stated in the decision notice for the planning application. Policies are set out in the Statement of Common Ground between CDC and the Appellant dated 2 October 2023 (Core Document E7).
- 2.14. Paragraph 5.9 and table below – the conclusion under BSC 1: District Wide Housing Distribution states that this policy is only out of date in respect to specific housing numbers due to the necessary change to applying the standard methodology for the assessment of local housing need. Paragraph 5.13 states that significant weight should be attached to this policy. CDC accept at Paragraph 2.3 of their Statement of Case (Core Document E3) that the proposed development would assist, on a small scale, in meeting the overall housing needs under Policy BSC1, which should be appropriately weighted in the planning balance. The reasons for refusal of planning permission by CDC do not state that the development is contrary to Policy BSC 1 and there is no alleged harm to BSC 1 in the planning application decision notice (Core Document C10).
- 2.15. Paragraph 5.9 and table below - the conclusion under Policy Village 5: Former RAF Upper Heyford, refers to Policy Village 1 and Policy Village 2 and that neither the policy nor the NPPF advocate growth at settlements that are remote and/or without facilities and services that would render them unsustainable. In the column setting out Mr. Bateson’s view of consistency with the NPPF, he refers to PV1 and PV2. Then set out that these do not apply to the appeal site. PV1 deals with village categorisation for Category A – C villages. PV2 deals with the development that will be directed to the Category A villages. Upper Heyford has its own separate policy in PV5. It is unclear why Mr Bateson refers to remote settlements/ settlements that are without services and facilities. It is already established in the statement of common ground (Core Document E7) between the Appellant and CDC that Heyford Park is a sustainable location in the District and many of the facilities in Heyford Park are located within reasonable walking distance and cycling distance from the appeal site. The Appellant reserves the right to comment on housing supply once it has seen the latest position on this from CDC.

- 2.16. Paragraph 5.9 and table below – the conclusion under C8 Sporadic Development in the Open Countryside is compliance and consistency with the NPPF, in particular Chapters 2 and 12 and paragraph 80 in Chapter 5. Policy C8 seeks to prevent sporadic development in the open countryside, including in the vicinity of the motorway or major road junctions. The proposed development is not sporadic development in the countryside; instead it is logical development adjacent to one of the largest locations for growth in Cherwell District. I have already dealt with the extent to which policies of restriction are consistent with the NPPF in my proof of evidence (see paragraph 7.8).
- 2.17. Paragraphs 5.14 and 5.15 – these paragraphs refer to the Council’s Annual Monitoring Report 2021. On 7 November 2023, CDC advised that they will be considering a report at the Executive meeting on 4 December 2023 on an updated housing land supply position for Cherwell District. The papers for that meeting are due for publication on 24 November 2023 and assumed that in the circumstances, CDC and the Appellant will need to agree an updated Housing Land Supply Statement of Common Ground, once the new position of CDC has been circulated. Therefore, we reserve the right to comment on aspects of housing land supply and delivery following publication and consideration of this update from CDC.
- 2.18. Paragraph 5.19 – Mr Bateson gives some weight, albeit very limited weight, to the emerging new local plan for Cherwell District but fails to explain the significance of the fact that the appeal site forms part of the proposed allocation of land at Heyford Park under policy proposed by CDC as South of Heyford Park (LPR42a) in the Cherwell Local Plan Review 2040, Consultation Draft (Regulation 18), September 2023. There is an extensive evidence base published by CDC in support of the consultation draft of the emerging new local plan.
- 2.19. Paragraph 5.20 – this states that the development plan is up-to-date and contains a clear strategy identifying where housing should go. The latest direction for Heyford Park is found in the evidence base and the consultation draft of the emerging local plan which proposes further development at this sustainable location in the District. This builds upon the current spatial strategy in the adopted local plan where most growth is directed to Banbury and Bicester, and that away from the two main towns the major single location for growth will be at the former RAF Upper Heyford base which will deliver 2,361 homes. Directing growth to Heyford Park, which is agreed to be a sustainable location in the statement of common ground is consistent with this growth objective.

2.20. Paragraph 5.31 – this paragraph states that CDC can demonstrate a five-year supply of deliverable housing sites in the District and as such, the tilted balance as set out at paragraph 11d) of the NPPF is not engaged. This is matter not agreed between CDC and Appellant and is a matter to be reflected upon once the updated position of CDC is received in the papers to Executive, expected to be made available by CDC on 24 November 2023.

6. Evaluation

2.21. Paragraph 6.3 and 6.4 – these paragraphs attempt to explain numbers of dwellings permitted and consented at Heyford. My Bateson does not allege harm to the spatial strategy or distribution from the proposed development. As mentioned above, housing supply and delivery is a matter to be reflected upon in due course. The evidence of Mr Bateson here is contained under his heading of 'Issue 1 The effect of the proposal on the character and appearance of the area' and yet it has a sub-title of 'the principle' and does not explore character and appearance.

2.22. Paragraphs 6.9 to 6.11 and table below – Mr Bateson attempts to assess the proposed development against Policy Village 5: Former RAF Upper Heyford, despite acknowledging at paragraph 6.10 and in the table after paragraph 6.11 that the appeal site is excluded from the allocation area. On this basis the test is not to apply policy which does not apply to the appeal site.

2.23. Table after paragraph 6.11 – in this table under the second design criterion, Mr Bateson claims the proposed development fails to comply being outside of the PV5 allocation. This is an incorrect understanding of this part of Policy PV5 which seeks to avoid development on the most historically significant and sensitive parts of the site. The site being the land allocated under PV5. Under the first criterion, Mr Bateson should have stated that if a s.106 planning obligation, which is already fully drafted, is agreed then the proposed development will comply with this criterion. Where Mr Bateson does not allege conflict or potential conflict it is assumed that he accepts compliance.

2.24. Notwithstanding the fact that Policy PV5 does not apply to the appeal site, Mr Bateson does not accurately apply this policy. Examples of this are given below:

- Under the second criterion of the key site specific design and place shaping principles Mr Bateson misquotes what is written in the policy. The policy states that in order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focussed to the south of the flying field and on limited greenfield land to the south of Camp Road (and one greenfield area to the north of Camp Road, east of Larsen Road). This is a reference to the plan entitled 'Policy Villages 5-Former RAF Upper Heyford' on page 358 of the local plan. This plan identifies areas with potential for additional development identified under Policy Villages 5 with a grey shading of the land in question. The appeal site is not located on the flying field, and it is outside of the conservation area. Therefore, development on the appeal site would avoid the most sensitive areas of the site.
- Under the third criterion Mr Bateson misquotes what is written in the policy. The policy states that the areas proposed for development adjacent to the flying field will need special consideration to respect the historic significance and character of the taxiway and entrance to the flying field, with development being kept back from the northern edge of the indicative development areas. The aforementioned plan identifies areas with potential for additional development which does not include the appeal site. Development on the appeal site has paid special consideration to the land to the north and can set development back from its northern boundary.
- Under the fourth criterion the policy states that release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation heritage interest of the wider site. Mr Bateson correctly identifies that the appeal site is not within PV5 but then goes on to claim harm on heritage grounds, albeit less than substantial. There is no allegation here that the appeal proposal will compromise environmental improvements. I defer to the evidence of Mr Copp on heritage and Mrs Lancaster on landscape. Mr Copp does not consider that the appeal proposals will have a less than significant effect on heritage assets and Mrs Lancaster considers that the appeal proposals will retain and enhance the existing landscape features, introduce new landscape features and increase public access, all being beneficial effects.

- Ninth and tenth criterion – there is no objection from the highway authorities in respect of the appeal proposals, subject to appropriate planning conditions and planning obligations. A set of draft planning conditions are agreed between the Appellant and CDC and s.106 planning obligation has been prepared with the intention of the parties to the agreement for this to be submitted under this planning appeal.
- Sixteenth criterion – this states that the achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes. There is no harm alleged in respect of environmental improvements within the appeal site. In respect of land to the north of the appeal site I defer to the evidence of Mr Copp on heritage and Mrs Lancaster on landscape which do not find harm on conservation grounds and find beneficial effects in landscape and visual terms. It is noted that Mr Bateson states that the appeal proposal could potentially facilitate reopening of a historic route.

2.25. Paragraph 6.15 – this paragraph attempts to make the claim that adding up to 230 dwellings on the appeal site to what has already been approved would effectively render Heyford Park accommodating over 40% of the rural area need in Cherwell to 2031 and that this would be disproportionate. This does not demonstrate harm to the spatial strategy or distribution of housing in Cherwell District. Whilst reserving our position for the pending update to Executive on housing numbers, it is relevant to state that Policy PV5 states approximately 1,600 dwellings, being neither a ceiling nor cap and Policy BSC1: District Wide Housing Distribution, is a policy for delivery of housing over the plan period.

2.26. Paragraph 6.17 – this paragraph claims that it would be unsustainable for one settlement to accommodate too much development, but it does not explain what is meant by ‘too much development’ nor does it provide evidence that up to 230 dwellings on the appeal site will render the settlement unsustainable. In the context of the intention to agree planning conditions and planning obligations which will fully address the impact of the proposed development including on-site and off-site infrastructure provision the proposed development would be sustainable development and be in line with the direction of travel of CDC which is to allocate more land at adjoining Heyford Park for development. Heyford Park is already identified for delivery of major growth being one of the most sustainable locations in the District. Policy PV5 states that land at

Former RAF Upper Heyford will provide for a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted), an employment land area of approximately 120,000 square metres for approximately 1,500 jobs plus education, open space, community facilities, infrastructure upgrades, etc.

- 2.27. Mr Bateson does not provide evidence to suggest that the infrastructure proposed is inadequate and it is accepted in the statement of common ground that the location is sustainable and accessible to services. There is no evidence that the proposed development is “too much” development and no evidence that the strategy of the local plan will become unbalanced as a result of the proposals.
- 2.28. The remaining paragraphs up to and including paragraph 6.24 largely repeat points on housing numbers of which the Appellant reserves comment for the papers to Executive.
- 2.29. Aspects of landscape, character and heritage are addressed fully by Mrs Lancaster and Mr Copp for the Appellant. Mr Bateson does not identify anything more than minor landscape effects, and minor effects on views, at a very localised scale, which is at the bottom of the scale in terms of effects. Mr Bateson’s proof of evidence appears only to take issue with the conservation area as a heritage asset but at paragraph 6.48, Mr Bateson refers to the non-designated heritage assets and does not specify which are alleged to be harmed. This correct test for non-designated heritage assets is under the NPPF paragraph 203. The Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to non-designated assets.
- 2.30. Aspects of five year housing land supply are addressed fully by Mr Pycroft for the Appellant and the Appellant intends to comment further once CDC make the relevant papers available for the Executive meeting of 4 December 2023.
- 2.31. Paragraph 6.77 – Mr Bateson claims a neutral effect of biodiversity net gain as part of the proposed development, despite stating at paragraph 2.5 that the proposed development can deliver in excess of 10% biodiversity net gain. Mr Bateson fails to state that there is no development plan planning policy which requires at least 10% biodiversity net gain and hence in this context the decision maker would be justified in giving moderate weight to biodiversity as a benefit of the proposed development.

2.32. Mr Bateson states that biodiversity net gain will be mandatory for new major developments made after January 2024. Mr Bateson does not state, but should have done, that this will not apply to this planning appeal. I am advised that the recent case of *NRS Saredon Aggregates Limited v Secretary of State for Levelling Up, Housing and Communities and Others* [2023] EWHC 2795 (Admin) (see appendix B) now makes it clear that these provisions will not apply retrospectively, and reducing weight to biodiversity net gain on the basis of future legislation which does not have a retrospective effect is capable of amounting to a serious error of law. Please see paragraphs 41 and 43 to 62 of the attached judgment.

3. Proof of Evidence: David Hutchison

- 3.1. Paragraph 4.8 - this paragraph claims that while there are some proposed pedestrian and cycle links to Camp Road and Chilgrove Drive to the south and east respectively, there are no links proposed to the north or west. This is not correct. Alongside the connections to the south and east, the appellant has agreed with BDW (who are taking the Pye scheme forward) to provide an additional pedestrian connection into their scheme to the west. This is explained within the appellant's highways proof of evidence and presented within Figure H3 of that document (Core Document E16). Figure H3 is a Pedestrian and Cycle Access Plan requested by OCC to be attached to the S106. In addition to the pedestrian connection to the west, a route to the northern boundary of the site is identified as a potential future connection.
- 3.2. Paragraph 7.2 – this paragraph claims the recent Finmere appeal decision dated 31st October 2023 shows the Council is able to demonstrate a 5 year land supply. However, the 5 year land supply position was not challenged at the Finmere hearing.
- 3.3. Paragraphs 7.14 to 7.36 – this section deals with the Spatial Strategy. Mr Hutchison appears to argue that the appeal site is in open countryside where development is to be strictly controlled and should be refused. This is already addressed within my proof of evidence. At paragraph 7.18 Mr Hutchison claims I do not take issue with whether the most important policies are out of date for reasons other than 5 year land supply. This is incorrect; I do, as set out within my proof of evidence in particular while discussing Policy H18 (for example at paragraphs 4.50 to 4.69 of Core Document E17a). It would be valuable to clarify that whilst I do not consider that there would be conflict with Policies C33 and C8 to the extent that they are interpreted as “strict” policies of protection, the same would apply to these policies. This has been accepted in appeal decisions in Cherwell District and has been accepted by the Council to the extent that policies in the Plan operate as blanket policies of restriction, they are out of date and of limited weight.

- 3.4. Mr Hutchison's proof of evidence in respect of Land Off The B4069 East of Barrow Farm, Langley, Burrell, Chippenham provides an explanation of his thinking which runs contrary to his evidence in this planning appeal (see appendix D). Paragraphs 7.59 to 7.60 confirm that Mr Hutchison accepts the NPPF does not seek to protect the countryside for its own sake and does not preclude housing on greenfield sites outside settlements as a matter of principle; rather the NPPF takes a much more nuanced approach. Mr Hutchison claims conflict with policies which seek to do so should be given limited weight (at paragraph 7.61). He also refers to a number of appeal decisions relevant to that authority which deal with the "blanket protection" point (at paragraphs 7.80 and 7.81).
- 3.5. Within the same proof of evidence, Mr Hutchison states (at paragraph 7.12) that by directing development to a principal settlement in the Plan, that proposal was in overall compliance with the strategic growth objectives of the Plan, albeit located within the open countryside. The same is relevant here.
- 3.6. It is also worth noting that Mr Hutchison does not set out what his position would be in the event that the Council cannot demonstrate a 5 year land supply. In those circumstances, there is a need to release additional land to ensure that housing needs can be met. CDC's Statement of Common Ground relating to Land North of Berry Hill Road, Adderbury (appendix C) confirms that the Council gives reduced weight to these policies where there is insufficient 5 year land supply at paragraph 9.6. In addition, paragraph 8.8 confirms that the Council does not object in principle to greenfield land release where there is insufficient 5 year land supply. This is reflected in the Adderbury appeal decision (Core Document M2) at paragraph 15 which states that 'the Council confirmed at the hearing that their in-principle objection no longer stands in relation to the greenfield extension aspect of the appeal proposal'.
- 3.7. Paragraph 8.28 – this speculates Mr Hutchison would be surprised if there to be housing delivery by March 2027 without explaining such conjecture. The more relevant point is accepted by Mr Hutchison within the above referenced Chippenham appeal (paragraphs 7.57 to 7.58 of appendix D); where applying the restrictive open countryside policy with full rigour, it would prevent the Council from recovering a 5 year land supply. Here, there is no mechanism to allow additional development to come forward either, as Mr Hutchison explains at paragraph 7.58 in relation to the Chippenham appeal.

- 3.8. Paragraphs 7.38 to 7.56 – this section deals with Heyford Park as a location for development in the context of PV5. Mr Hutchison concedes that Heyford Park is a sustainable location for carefully planned development at paragraph 7.44 and continues to explain why the Dorchester Living scheme qualifies as such, being a development, which meets the objectives of PV5. It should be noted that there is an absence of recognition that the Dorchester Living scheme itself proposed development outside the development areas identified in Policy PV5 to the north of the appeal site within the flying field; the most sensitive part of the allocation. Nevertheless, the benefits of delivering additional homes to this sustainable location was accepted by the Council as part of the Dorchester Hybrid application 18/00825/HYBRID approved on 9th September 2022 (Core Document N15). Policies BSC1 and PV5 plan to deliver a significant quantum of growth within the Plan period (approximately 2,361 homes) to Upper Heyford. The appeal proposals contribute to delivering sustainable growth in accordance with this.
- 3.9. Paragraph 8.80 – Mr Hutchison claims the emerging Local Plan should be afforded very little, if any, weight. However, it is noted that Mr Hutchison recognises the evidence base is a material consideration to which weight can be attached within the above referenced Chippenham appeal (paragraph 7.33 of appendix D). He recognises that evidence base documents provide a useful insight about the direction of travel for the emerging Local Plan (paragraph 7.34) and within the clearly shows the Council intends to continue focusing large scale development at Chippenham. The same is relevant to this appeal.

4. Conclusion

- 4.1. In my rebuttal evidence I have identified factual inaccuracies and a misdirection of planning policy. By addressing this now in this rebuttal proof of evidence I hope to save inquiry time.

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