

CHAPTER 2 - GENERAL DEVELOPMENT

G1: DEVELOPMENT STRATEGY FOR WYCOMBE DISTRICT

The Objections

0218/1	Airways Housing Society Limited
0379/36	Sport England
0408/8	Ercol Furniture Limited
0812/2	Croudace Limited
0840/10	Marlow & District Chamber of Trade & Commerce
0874/7	National Farmers Union
0929/3	Mr Paul Turner
1414/13	Mr Michael J Overall

Summary of Objections

- (a) Policy does not entirely reflect current Government thinking on sustainable development; it is most important that social considerations are at the heart of the overall strategy and development principles of the Plan.
- (b) Policy is a statement of intent rather than a land use policy. Policy should be deleted and sentiment incorporated into Chapter Objectives.
- (c) Principle of sustainable development is not duly interpreted in the Recreation and Tourism Chapter.
- (d) Policy is negative, suggesting a 'do nothing' approach. Policy requires a framework allowing solutions. Principles on which policy is based should be amended to allow for the greater needs of the community. Policy fails to state the huge importance of the effect of development on adjacent communities.
- (e) Policy is weighted heavily against rural development and rural diversification.
- (f) Policy should include interpretation of how sustainability concept will be applied within the District.

Inspector's Reasoning and Conclusions

2.1.1 The Local Plan's preparation has clearly taken account of Planning Policy Guidance which was in place at the time of its deposit. Since then, further guidance on sustainable development has been issued. Four objectives for the achievement of such sustainability have been recognised by the LPA and are quoted in their written submissions. However, it is doubtful whether Policy G1 falls within the true definition of a local plan policy. That is to say, whether it is entirely realistic to envisage its being applied to the determination of a specific application or appeal. Its content is unexceptionable in the sense that it faithfully reflects both extant and emergent national and regional planning guidance, including that contained within the DETR publication 'A Better Quality of Life' and Revised Regional Planning Guidance for the South East (RPG9). In view of its general application, it may very well be that it would be better included in the Chapter 2 Objectives.

2.1.2 The essential objectives set out in the latter and in Policy G1 are in summary:

- (1) to steer development and redevelopment towards urban brownfield land;
- (2) to make sure that development is of inherently good design and layout;
- (3) to complement and reflect local patterns of landscape and urban design;
- (4) to recognise and respect both natural and manmade local settings;
- (5) to have regard to the impact of development upon its wider off-site context;
- (6) to ensure that development is sustainable in relation to energy efficiency;
- (7) to protect the whole community and ensure a wide measure of social inclusivity;
- (8) to allow for stable and continuing levels of employment and economic activity.

2.1.3 If the Chapter 2 Objectives, currently numbered (i-iii) were to be expanded to (1-8) along the lines suggested above, the remaining Policies G2-G27 would lose none of their force. Indeed, the formulation of such Objectives serves two purposes. One is immediate, in that most of the current objections to Chapter 2 may usefully be assessed against the above succinct statement of overall local development planning policy. The second is in the application of Chapter 2 (and other) policies to individual development proposals. In the latter case, long-standing advice from the publication of the DoE Development Plans Manual onwards is to look both above and beyond individual policies. That is to say, to see whether the precise application of a given policy (or policies) serves to achieve the relevant objectives of the local plan. If it does, then the policy in question may reasonably be given greater weight. This matter is of some importance when, as occasionally happens in a specific case, two policies of the plan are in ostensible conflict.

2.1.4 There is a certain amount of force in the objection that Chapter 12 of the Plan does not adequately reflect Chapter 2 objectives in the need to provide and plan for accessible and adequate physical recreation facilities. This lack of precision in the Plan appears to stem from two factors. One is that future leisure provision generally will be broadly split as between the public and private sectors. The other is that the inescapably corporate nature of public provision (and its reliance on some external funding) has seemingly resulted in a delay in formulating proposals. These are being actively pursued in the Council's 'Leisure 21' plan. The broad strategy of the present Plan is to safeguard the integrity of present provision whilst looking mainly to private sector funding to make provision arising from new development proposals. These would seem to be about the limits of present land use planning policy formulation. As such, there would seem to be no inherent conflict or inconsistency between Chapter 2 Objectives in general and Policies RT1-RT3 in particular.

2.1.5 There appear to be conflicting objections regarding the impact (or lack of impact) of the Plan's provisions on local or 'adjacent' communities. It is difficult to see how the Chapter 2 policies could be more explicit. If, on the one hand, an enhanced level of planning gain is looked for, this is inevitably constrained by the provisions of DoE C1/97. These are later considered under the heading of objections to Policy G3. If, on the other hand, the effect of development on 'adjacent communities' is to be mitigated, this matter is the subject of a number of Chapter 2 policies, such as G2-G9 (inclusive). If the latter objection seeks to embargo *any* development adjacent to existing communities in Wycombe District, this is plainly an unattainable objective given firm policy preferences in the general direction of brownfield or urban greenfield siting. The thrust of planning guidance is not the *prevention* of physical change but rather its proper and sympathetic future *management* by statutory land use planning. The relevant objectors may wish to bear in mind the positive contribution that the public can make to the formulation of Development Briefs under Policy G5 and Appendix 3 of the Local Plan.

2.1.6 The objection that the Plan does not provide for rural development and diversification cannot be sustained. The physical context of Wycombe District is one of very extensive areas of defined Metropolitan Green Belt (MGB) and an even greater extent of the Chilterns Area of

Outstanding Natural Beauty (AONB). Restrictive policies regarding the former are of very long standing and are most recently confirmed by PPG2. The planning status of AONB derives from its designation by the Secretary of State and more recent indications that policy protection would be akin to that exercised in National Parks throughout England and Wales. In the light of such policy coverage, it would appear that Policies C6-C9 in particular are as permissive as is consistent with PPG7 and later guidance. The matter is further considered under the heading of objections to Chapter 8 and 9 Policies.

RECOMMENDATION

- GD/1/1 Delete Policy G1 and insert a Statement of Objectives as in para 2.1.2 (1-8).

G2 ENVIRONMENTAL ASSESSMENT

The Objections

0408/10	<i>Ercol Furniture Limited</i>
0524/3	<i>Thames Valley Chamber</i>
0608/3	<i>G W Deeley Limited</i>
0872/20	<i>Government Office for the South-East (GOSE)</i>
1141/23	<i>Beazer Strategic Land</i>

Summary of Objections

- (a) Policy could impose unnecessary Environmental Impact Assessment (EIA), not required by the regulations. Policies elsewhere in the Plan cover the issue of EIAs. Policy reads as a statement of administrative actions.
- (b) Unclear how 'appropriate circumstances' will be defined.

Inspector's Reasoning and Conclusions

2.2.1 The requirement for an Environmental Statement to be prepared in conjunction with planning applications derives from long-standing EEC and more recent EC Directives. The latest relevant regulations for this part of the UK were made in 1999 (SI 1999:293) and are the subject of guidance set out in DETR C2/99. The apparent intention of the LPA is to bridge the gap between *mandatory* requirements for additional information under regulation 19 of the 1999 Regulations, on the one hand, and *discretionary* requests for further details under article 3(2) of the GDPO 1995, on the other. In other words, additional information may reasonably be needed in the case of development proposals which fall outside the relatively narrow scope of the EC-derived Regulations but are of somewhat wider environmental impact than the application site itself, which the more closely-defined GDPO 'reserved matters' are largely concerned with.

2.2.2 The explicit wording of Policy G2 (as altered by PIC2/2) refers to a 'request' for such additional information. It is fairly easy to envisage circumstances where such information might be advantageous or indeed vital for the expedient determination of a planning application, especially where it is made in outline form under article 3 of the GDPO. An example might be residential development whose predictable vehicle traffic generation (and hence induced traffic noise, severance and disturbance) might have to be assessed in relation to the existing road network and established residential hinterlands. Even in the absence of adverse comment

from the local highway authority (based on its own simple flow and capacity criteria), the LPA might well wish to have regard to certain environmental impacts in certain circumstances eg as affecting a conservation area or surrounding AONB.

2.2.3 It may be objected that this particular degree of impact would be considered under other policies of the Local Plan (eg G15 and T3-T4). However, the 1999 Regulations are intended to allow LPAs to assess the wider impact of strategically significant development while the GPDO reserved matters are necessarily concerned with individual application sites and their immediate surroundings. The area impact of the development of non-strategic sites may also need to be investigated. In the nature of things, it may not always be possible neatly to categorise such types of impact in advance and thereby to include specific criteria in policies. An element of flexibility and discretion for the LPA is needed. Provided that the wording of Policy G2 makes the provision of information optional (by the use of the words 'may' and 'request') there can be no reasonable objection to it. Provision of information might very well be to an intending developer's own advantage by speeding up and better informing the development control process.

2.2.4 The wording 'in appropriate circumstances' is proposed for deletion. This is logical, in that it is hard to envisage the LPA's asking for additional information in *inappropriate* circumstances; far less an intending developer's acceding to such a request. The content of C2/99 (paragraph 14) usefully sums up the advantages to the developer of the EIA procedure since this is *mandatory*, rather than discretionary. All that Policy G2 seeks to achieve is the same degree of common advantage to developers, the LPA and the public at large, on a purely voluntary basis. The object of Policy G2 is to obtain a wider analysis of impact that will generally be well beyond the scope of mere submission of details under GPDO article 3. This might usefully be reflected in the wording of the Policy. The wording might accordingly reflect not only the Local Plan designation(s) of the site itself but also those of its surrounding area.

RECOMMENDATIONS

- GD/2/1 Modify paras 2.09-2.10 of the Written Statement and Policy G2 as PIC 2/2
- GD/2/2 Further modify para 2.10 by the insertion of the word 'may' in place of 'will'.
- GD/2/3 Further modify Policy G2 by the insertion of the word 'MAY' in place of 'WILL'.
- GD/2/4 Further modify the final wording of Policy G2 to read:

'.....REQUEST THE PROVISION OF SUPPLEMENTARY INFORMATION ON THE PROBABLE ENVIRONMENTAL IMPACT OF PROPOSED DEVELOPMENT, PROPORTIONATE TO THE EXTENT OF THE PROPOSAL AND DIRECTLY RELEVANT TO THE CHARACTER AND ANY PROTECTIVE DESIGNATION(S) OF THE APPLICATION SITE OR ITS WIDER SETTING OR SURROUNDINGS'.

G3 DEVELOPER CONTRIBUTIONS

The Objections

0339/2	Slough Estates PLC
0379/37	<i>Sport England</i>
0408/11	Ercol Furniture Limited
0524/5	<i>Thames Valley Chamber</i>
0572/12	Fairview New Homes PLC

0608/16	G W Deeley Limited
0615/3	Mr Kevan Michael Keegan
0817/3	Croudace Limited
0834/4	Prudential Assurance Company Limited
0834/8	Prudential Assurance Company Limited
0840/54	Marlow & District Chamber of Trade & Commerce
0956/5	Mr R Lawton
1001/4	Mr Neil Richardson
1004/2	Tesco Stores Limited
1141/24	Beazer Strategic Land
1201/4	Downley Parish Council
1414/14	Mr Michael J Overall
1579/9	Oxford Land Limited
1584/33	The Marlow Group

PIC 2/3 Objections

0379/45	Sport England
0840/54	Marlow & District Chamber of Trade & Commerce

Summary of Objections

- (a) Unrealistic to expect 'all developments' to contribute towards infrastructure, as this would amount to a development tax.
- (b) Amend paragraph 2.11 to include reference to any traffic calming measures.
- (c) Developer contributions attached to strategic sites are too prescriptive.
- (d) Policy is contrary to DoE C1/97; the tests for securing obligations are not set out in Policy G3. Policy should be clear that contributions should relate to specific and necessary infrastructure, which is directly relevant to the development.
- (e) Reference is made to the District Council's securing the obligation, when it may be the responsibility of other authorities, eg the local highway authority.
- (f) Policy should be clarified to acknowledge distinction between a planning obligation that may require a developer to provide certain benefits in kind and those that require developers to make a financial contribution in lieu.
- (g) The policy should indicate the circumstances in which the obligation will be sought, which is backed up by an assessment of community requirements.
- (h) Policy makes no reference to the legitimacy of seeking commuted sums for areas of open space.
- (i) Policy should set out how provision for future maintenance will be secured.
- (j) Wording of policy should be amended to guarantee essential delivery of facilities before development takes place.
- (k) Inappropriate for policy to hamper development control system by withholding planning consent; this is an issue for the planning application stage.
- (l) Policy is confusing when read with Policy G5 'Development Briefs'.
- (m) Object to suggestion or contention of planning gain in or affecting the AONB.
- (n) Developer contributions should be made public and be the subject of public consultation, before negotiations commence.

- (o) Contributions should only be used for the purposes of securing additions or improvements.

Inspector's Reasoning and Conclusions

2.3.1 The Policy does not appear directly to conflict with the advice of C1/97. However, the issue of proportionality, which is given some emphasis in the Circular, is perhaps inadequately reflected in the wording of the Policy. This despite the fact that the issue is obliquely touched on in paragraph 2.11 of the supporting text ('related *in scale to* the proposed development'). Moreover, since the Policy clearly relies on the detailed advice of the Circular and its Annexes, it might be helpful to cite the document in the supporting text, notwithstanding the possibility of its being replaced during the currency of the Local Plan. This would assist in the understanding and application of the Policy by both intending developers and members of the public; it is fully accepted that an attempt to summarise or paraphrase the Circular's advice would be both unnecessary and possibly confusing.

2.3.2 The objection that refers to the need to cover situations where agencies other than the LPA are involved is met by PIC 2/3 and is accordingly endorsed. The provision of physical improvements in kind and on site is expressly *not* addressed in this Policy. Policy G3 specifically relates to situations where developers are 'unable to make or secure (such provision)'. No doubt the Council will wish to ensure the direct provision by developers of improvements on site by means of either planning conditions or obligations as advised by paragraph B20 of the Circular. In the light of the *South Northamptonshire* judgement, it might be appropriate to indicate that joint developer contribution may be sought. The question of 'community benefit' is implicit in the future application of the Policy since all planning functions are exercised in the public interest. The engagement of such public interest in the negotiating and securing of planning benefits is covered by the advice of paragraph B19 of the Circular.

2.3.3 The Introduction to Appendix 2 of the Local Plan indeed refers to future 'community aspirations' in this context. The extent of developer contribution there specified cannot reasonably be held to be too prescriptive, as alleged by an objection. By definition, strategic sites are likely to have fairly considerable infrastructure requirements. This arises out of their role in providing a significant part of additional housing and employment land. Moreover, they have been selected with a preference towards brownfield and urban greenfield location; this inevitably adds to the burden of infrastructure provision and Appendix 2 merely identifies the broad headings and description of such provision. They will be the subject of Development Briefs which will themselves undergo a cycle of consultation before adoption. The sites will also include those where more than one developer is likely to be involved; just the sort of situation to which Policy G3 is directed.

2.3.4 The purpose of Policy G3 is to apply the guidance of C1/97 (and any successor advice) generally to development activity throughout Wycombe District during the currency of the Local Plan. The detailed question of providing local open space or of securing the cost of its subsequent maintenance is out of place in this particular Policy. Firstly, the matter of its future provision is quite properly included in Policy RT2 of the Plan. Secondly, the question of meeting the recurrent costs of maintenance (as distinct from the initial cost) of small areas of open space is included in the Circular at paragraph B14 merely by way of illustration or example. It is not presumably intended to suggest that development plan policies on planning obligations need include specific advice on individual on-site amenities or facilities. However, it might be appropriate to include the words 'amenities or facilities' in the wording of Policy G3 to ensure that future provision of this sort is not readily overlooked.

2.3.5 Just as it is unnecessary and inappropriate to spell out in Policy G3 the sort of on-site provision that should be made, detailed off-site requirements need not be specified. Paragraph 2.11 refers generally to 'transport infrastructure improvements'. What is presumably referred to are such things as new road and footpath links or widened carriageways and footways or

junction improvements. These may be made the subject of Grampian-type conditions (if only one developer is involved) or they may require individual contributions from several developers, depending on circumstances. Traffic-calming may often be required within a surrounding area; the need for which may have been revealed by a Policy G2 Environmental Assessment (qv). However, it is probably not necessary to specify this in either Policy G3 or its supporting text. Such external works would clearly be covered by the definition of 'transport infrastructure improvements' and would also be the subject of Policies T14 and T15.

2.3.6 It is equally unnecessary to detail specific requirements for the support of future maintenance costs. C1/97 (paragraphs B14 and B17(vii)) makes it perfectly clear that maintenance payments may only be sought in exceptional circumstances. To put it another way, such payments will depend entirely on the facts of individual cases. No reference to this matter is needed either in the Policy or its supporting text, other than by an overall reference to C1/97. It is equally unnecessary to stipulate that planning obligations should in all cases require *prior* provision of facilities. This aspect of securing infrastructure improvement is a matter largely for the discretion of the LPA. Prior provision may in many cases be better secured by planning condition and the precise timing of provision raises issues that go well beyond the ambit of Policy G3. The basic thrust of the Policy is to secure benefits that may have to be physically provided off-site or by an agency other than the developer or the LPA.

2.3.7 The second paragraph is, as argued by an objector, an unnecessary rider to the main part of the Policy. It is implicit in the wording of both the supporting text (paragraph 2.12) and the policy itself that any proposals that conflict with Policy G3 will not be authorised. Unless, that is, material planning considerations suggest otherwise in individual cases. Specifically to import an explicit power of significant delay or absolute veto into the Policy would be to elevate it in relation to most other provisions of the Plan. It would also run counter to both statutory planning law and current policy guidance. There would appear to be no very obvious conflict between Policies G3 and G5 of the Plan. The former deals with *all* development proposals on *any* site with significant infrastructure implications; the latter is concerned with 'large and complex sites' which therefore call for localised land use planning guidance. These latter sites may or may not be the subject of Policy G3 requirements.

2.3.8 The objection that planning obligations, secured on sites located within the Chilterns AONB, may be held solely to justify such proposals is misconceived. The whole purpose of obtaining modifications or improvements to individual proposals by way of condition or obligation is to make detailed modifications or improvements (or to remedy defects or deficiencies) and not to make acceptable those which are in outright conflict with planning policy. In this context, Policy G3 needs to be read together with the provisions of Policy L1. This policy sets extremely rigorous limits to the type of development likely to be authorised in the AONB. Moreover, the detailed serial criteria L1(I-III) make it extremely unlikely that modification of a proposal, subject to a Policy G3 planning obligation, will in practice overcome the presumption against invasive or otherwise inappropriate development in the designated area. This local planning policy context is given added weight by the emergent national guidance applicable to AONBs.

2.3.9 The suggested prior invitation of public comment on proposed planning obligations would appear to be unworkable in practice. Statutory time limits for the processing of planning applications and the perceived need to accelerate the whole process would make such a measure effectively incapable of implementation. Even less likely of success would be the evaluation, in public, of parallel or competing packages of proposals and associated planning obligations. Even assuming the existence of concurrent proposals for the same or similar sites (a fairly uncommon event), this would amount *de facto* to an informal architectural competition without the willing consent of either landowner, developer or ultimate occupier. The extent of public involvement is quite clearly set out in C1/97 (Annex B). The objection that developer contributions should be exclusively devoted to facility provision is accepted by the LPA and seems reasonable.

RECOMMENDATIONS

- GD/3/1 Modify Policy G3 as proposed by PIC2/3.
- GD/3/2 Modify paragraph 2.11 to include a reference to DoE C1/97.
- GD/3/3 Further modify Policy G3(1) to read as follows:

(1) WHERE IT IS NECESSARY TO PROVIDE ADDITIONAL OR IMPROVED PHYSICAL INFRASTRUCTURE OR OTHER AMENITIES OR FACILITIES BEFORE A DEVELOPMENT PROPOSAL IS APPROVED OR IMPLEMENTED, AND IN CASES WHERE THE PROSPECTIVE DEVELOPER IS UNABLE INDIVIDUALLY OR DIRECTLY TO MAKE OR ENSURE SUCH PROVISION, THE DISTRICT COUNCIL MAY REQUIRE THE DEVELOPER TO MAKE A PROPORTIONATE CONTRIBUTION TO THE OVERALL COST OF SUCH ADDITIONS OR IMPROVEMENTS, WHICH CONTRIBUTION SHALL IN ALL CASES BE WHOLLY DEVOTED TO SUCH PROVISION.
- GD/3/5 Delete second paragraph of Policy G3.
- GD/3/6 Add the following sentence to paragraph 2.12:

'The subject of Developer Contributions is generally covered in DoE Circular 1/97 'Planning Obligations' and their proper use and application is detailed in Annex B to the Circular'.

G4 CHARACTER AND LOCAL DISTINCTIVENESS

The Objections

0173/8	Mr W J Whitehead
0408/12	Ercol Furniture Limited
0524/4	Thames Valley Chapter
0608/4	G W Deeley Limited
0817/4	Croudace Limited
0831/1	Miss M B Messenger
1073/11	East of Amersham Hill Residents Association
1141/25	Beazer Strategic Land
1201/5	Downley Parish Council
1584/34	The Marlow Group

PIC 2/4 Objections

0408/28	Ercol Furniture Limited
1141/38	Beazer Strategic Land

PIC 2/15 Objections

0817/46	Croudace Limited
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Summary of Objections

- (a) The Policy should insist on the provision of accurate drawings for all developments.
- (b) Policy should include an additional criterion relating to the need to reduce vehicular activity.
- (c) Object to mandatory nature of policy; replace 'expect' with 'encourage'. Policy is overly restrictive. Policy does not allow for any flexibility. Places too high a requirement on a development scheme.
- (d) A charge should be levied on developers to meet the costs of the provision of new art and craft work, as part of major development schemes.
- (e) Policy should include reference to requiring hedgerows, where desirable.
- (f) The 'preserve and enhance' test is unduly onerous and should only apply within Conservation Areas.
- (g) The term '...and should be encouraged everywhere' should be deleted, as it adds nothing and serves to complicate the clear aims set out in PPG1 in respect of design.
- (h) Use the word 'will' instead of 'may' in paragraph 2.18.

Inspector's Reasoning and Conclusions

2.4.1 Whilst the objection concerning the adequacy of detail shown on application plans may be regarded with some sympathy, there is at present no legal way in which the LPA can adopt a more prescriptive policy. It is perfectly true that some planning applications are made with inadequate, misleading or outdated detail of sites and surroundings. This is regrettable given the very recent completion of the Ordnance Survey's recording in digital format of all large scale plans. These may now be obtained inexpensively and in updated and site-centred format (the 'Superplan Service'). However, the current (1988) Applications Regulations do not recognise this fact and allow an unspecified variety of scales and plans to identify sites. They are also less than prescriptive in their description of the type and accuracy of drawings and other information that may be necessary to describe the development. However, regulation 4(a) allows the LPA to direct the supply of further information in certain cases and this may be what the objection seeks to apply to all future planning applications. The use of the word 'will' in the supporting text at paragraph 2.18 would not reflect the LPA's degree of discretion.

2.4.2 It is certainly the case that adequacy of map and drawing detail can very greatly assist the process of development control. Accurate detail also demonstrates that contextual matters have been fully taken into account; the precise matters which this Policy specifically addresses. Moreover, such detail helps both decision-makers and the public at large to assess the quality of the submitted application, in relation to this and other local plan policies. It is open to the LPA to use their powers under article 3(2) of the Planning (General Development Procedure) Order 1995 to decline to deal with an outline application and to require the submission at that stage of certain specified details. This is a matter for the LPA. It may be appropriate to indicate that a high standard of design and sensitivity to area character must not only be achieved on the ground but also shown to have been taken into account at the stage of initial application for planning permission or approval of details. This should be reflected in the Policy's wording.

2.4.3 The important matter of segregating pedestrian and vehicle traffic (and restraining the latter) is one aspect of detailed design. However, as the LPA reasonably point out, this is not addressed in Policy G4. The Policy is concerned with the recognition and maintenance of the local quality of the natural or built environment in and around an application site. The different

question of integrating development with movement networks is more properly addressed in Policies T1-T8 and not here. The feasibility of achieving greater levels of pedestrian segregation, on the 'Radburn' model, is examined later in this report (see Policy G24). However, it may be noted that, whatever the likelihood of greater segregation being achieved within new development, such improvement is inherently much more likely on large sites. The essential point of Policy G4, like all of the Chapter 2 policies, is to set out basic principles applicable to a wide variety of development sites over the Plan period.

2.4.4 As drafted, Policy G4 is indeed a little over-emphatic and perhaps not universally applicable. The LPA, as indicated in PPG1 and 'By Design' (DETR 2000), have a legitimate interest in the visual aspects of development control. The Policy should be worded to make it of more selective application; it may not be possible to look for the highest standards everywhere and it is the *relative* quality of the environs of each development site that is of importance. On the other hand, the Policy ought perhaps to lay some stress on its applicability in both rural and urban areas. The helpful advice contained in the Chilterns Building Design Guide, for example, is applicable to a wide variety of situations in both town and country. It is worth mentioning in the wording of Policy G4 that the setting of proposed buildings and other forms of development will be critically appraised in the consideration of future applications.

2.4.5 Equally, the alternative wording: 'makes a positive contribution to the environment' or 'preserves or enhances the environment' both set an unreasonably high standard for new development in all cases. The latter wording is uncomfortably close to the statutorily determined criteria for evaluating applications in conservation areas and AONBs. What is being sought is that all development schemes and their promoters take full and proper account of the surroundings and physical context of the proposals. The quality of such surroundings may vary from unsightly, derelict and unused land at one extreme to, for example, the setting of a listed building located within a conservation area and the AONB, at the other. As the LPA fairly recognise, development may well be of neutral effect and all that the Policy seeks is a deliberate recognition of the relative quality of a site's surrounding and, where appropriate, its visual improvement. Any requirement of specific landscape features (eg hedgerows) would be inappropriate to a general policy such as this.

2.4.6 The objection that the four criteria should read as alternative tests of conformity does not seem worthy of support. The Policy is concerned with examining varying aspects of the environment. These aspects may not all be relevant in all cases. All that is sought is a proper and deliberate analysis of the relative quality of the built or natural environment that is perforce being changed, to a degree, by development or redevelopment of whatever sort. Where the objection has force is in the suggestion that 'where possible' be added to qualify the wording of the Policy. However, the use of 'where appropriate' is to be preferred. This is because the *possibility* of local enhancement vitally depends on the available skills of the designer in question (which may not always be of the highest order) whereas the *appropriateness* of looking for quality development will be determined by the relative value of its surroundings.

2.4.7 The advice of PPG7 is that development plan policies should, amongst other things, 'achieve good quality development which respects the character of the countryside' (paragraph 2.8). Where planning permission is required for agricultural buildings, there seems no very good reason why their design, external appearance, siting and use of materials should not be assessed on the same basis as urban development or rural buildings for other purposes. Indeed, given the extent of AONB in Wycombe District, more rigorous appraisal may sometimes be necessary. The LPA point to the emergent guidance for farm buildings that will complement the general design guidance already referred to. This will inform the development control process when new farm buildings come to be considered. Quite apart from the doubtful wisdom of singling out a specific building type within a very general policy, it is hard to see why a usually isolated and prominent form of development should attract different design criteria.

2.4.8 The concept of a standard levy on all major development, in order to secure new art (presumably mainly sculpture and mural decoration in this context), is intriguing but cannot be

endorsed. There are three reasons for this. One is that a general requirement would probably be ultra vires or certainly in conflict with policy guidance. That is because any financial contribution must be fairly related to specific development proposals. The second is that the Chapter 2 policies are intended to be of universal and district-wide application. Quite clearly, some forms of development in certain locations could not possibly justify or even physically accommodate public works of art or other embellishment. Lastly, the suggested policy would partially duplicate the provisions of Policies G3 and G26. One of the objections to Policy G3 was quite specifically directed to the notion of all forms of development making some contribution to the provision of infrastructure (see earlier conclusions on this subject). Moreover, Policy G4 might reasonably be invoked to secure a developer contribution in the form of public art if the local character of either the area or the development site provided such specific justification.

RECOMMENDATIONS

- GD/4/1 Modify Policy G4, generally as proposed by PIC2/4.
- GD/4/2 Replace the word 'everywhere' in paragraph 2.18a by the words 'wherever possible'.
- GD/4/3 Further modify Policy G4 to read as follows:
 - (1) THE DISTRICT COUNCIL WILL EXPECT DEVELOPMENT PROPOSALS TO ACHIEVE A HIGH STANDARD OF DESIGN AND LAYOUT THAT RESPECTS AND REFLECTS THE LOCAL URBAN OR RURAL CONTEXT SO AS TO MAINTAIN AND REINFORCE ITS DISTINCTIVENESS AND PARTICULAR CHARACTER AND, WHERE APPROPRIATE, SUBMITTED PROPOSALS WILL NEED VISIBLY TO DEMONSTRATE THAT THEY:
 - (a) TAKE ACCOUNT OF EXISTING SITE CHARACTERISTICS SUCH AS LOCAL LAND FORM, NATURAL FEATURES, VIEWS AND VISTAS;
 - (b) HAVE REGARD TO LANDSCAPE QUALITY, NATURE CONSERVATION INTERESTS, EXISTING TREES AND HEDGEROWS AND OTHER NATURAL FEATURES TOGETHER WITH ANY SIGNIFICANT MAN-MADE FEATURES;
 - (c) ARE COMPATIBLE WITH THE IMMEDIATE SURROUNDINGS OF THE SITE AND APPROPRIATE TO ITS WIDER CONTEXT BY REFERENCE TO STREET PATTERN AND LAND LEVELS, PLOT SIZES, MEANS OF ENCLOSURE, PROPORTION, SCALE, BULK, FORM AND MASSING; AND
 - (d) ARE SYMPATHETIC TO THE DESIGN AND APPEARANCE OF THEIR SURROUNDINGS, INCLUDING BUILDING MATERIALS AND PROFILE, WINDOW PATTERN, ARCHITECTURAL DETAIL, LANDSCAPE TREATMENT AND MEANS OF ENCLOSURE
 - (2) PLANNING PERMISSION OR THE APPROVAL OF DETAILS MAY BE REFUSED IF A SUFFICIENTLY HIGH STANDARD OF DESIGN AND LAYOUT IS NOT ACHIEVED, HAVING REGARD TO THE NATURE OF THE APPLICATION SITE AND ITS SURROUNDINGS'

G5 DEVELOPMENT BRIEFS

The Objections

0379/38	Sport England
0524/6	Thames Valley Chamber
0608/5	G W Deeley Limited
0840/12	Marlow & District Chamber of Trade & Commerce
1595/6	Berkeley Homes (Chiltern) Limited

Summary of Objections

- (a) The term 'local context' is ambiguous and requires clarification.
- (b) All Development Briefs for large-scale developments should include a requirement for a Community Impact Analysis.
- (c) Object to the mandatory requirement for the preparation of Development Briefs. Preparation of Development Briefs is only necessary where the future development and ownership of a site is unclear and uncertain.
- (d) Council should have a clear policy for infrastructure requirements in each community, particularly with respect to transport. Provision for an integrated infrastructure cannot be achieved if a policy on these matters has not been produced. Replace the word 'require' with 'will supply'.

Inspector's Reasoning and Conclusions

2.5.1 The Local Plan does not contain a policy requirement that all sites with outline planning permission should have a Development Brief prepared for them. This would be an excessively rigid and quite often unnecessary imposition. PIC A3/2 introduces a welcome note of flexibility into Appendix 3 (Development Briefing) and is accordingly endorsed. However, the imperative word 'shall' in paragraph 2.1 of the Appendix might well be further changed into 'will'. This is not only grammatically more consistent with the wording of the methodology but seems more in tune with its permissive tone. It is clear from the wording of the Policy and Appendix that the Development Briefing process is intended as a stepping-stone, so to speak, between the broad principle of land use for a given site and its detailed development. This is recognised in the first sentence of the paragraph that might be made even more explicit by reading as: '... briefs are usually needed only for large, complex or sensitive sites'. This would recognise the obvious fact that sites may be large or complex or sensitive or have all these characteristics.

2.5.2 Appendix 3 also makes it clear that Development Briefing may be initiated either by landowner, developer or LPA. It will clearly usually be the latter. In any case, responses by the public or other interested parties will best be made to the LPA as custodians of the public interest in the future development or use of land. There would seem to be a number of very good reasons why *all* strategic housing sites should be the subject of a Brief. Not the least is that the higher design expectations, implicit in current and emergent Planning Guidance, may be actively assisted by more detailed density criteria and performance requirements. These requirements may well be the subject of Appendices 1-2 of the Plan but in many cases will need to be related to the unique or local circumstances of development sites. There are many clear analogies between Policy G2 Environmental Assessments and Policy G5 Development Briefs. So far from either of these hampering the development process, their timely availability may well smooth and speed up the process of proper assessment and determination of individual planning applications.

2.5.3 It is not clear how or why the expression 'local context' could or should be defined with any verbal or mathematical precision. The whole point of including the matter in the Policy wording is precisely to invite the author of the Brief to specify its context. Whoever originates the preparation of the Brief will need carefully to consider what is the most appropriate context. To take an obvious example, the nature of available or important views into, out of (and across?) a development site will determine its widest setting or physical context. These considerations may loom even larger in the case of sites located in or near conservation areas and the AONB. It would be fruitless to try to devise a formula to cover this aspect of Development Brief preparation. It is sufficient that its preparation demonstrably covers this very important topographical aspect of development. If it does not, it may legitimately be challenged in public and any resultant form of development may reasonably be resisted as being in conflict with the provisions of the adopted plan.

2.5.4 The alleged requirement for a Community Impact Analysis does not seem to raise any issues not already met by either Policy G2 in general or Appendix 2 Development Principles in particular. Presumably what Sport England have in mind is recreational facilities in areas of deficiency. These will be identified by the LPA's forthcoming 'Cultural Strategy'. The advice of PPG17 (soon to be revised) will presumably cover the case of development that either displaces or replaces existing recreational facilities. It is hard to argue against the LPA's sensible contention that community impact will usually be relevant only in larger development schemes. In such cases, the sites' Appendix 2 requirements will probably include any recreational or open space needs. The essential balance struck by Chapter 2 policies is that adverse development impact will be covered by Policy G2 (the intending developer's responsibility) whilst positive development contributions will be the subject of Policy G5 (usually the LPA's responsibility). To add a Community Impact Analysis requirement would be needlessly to complicate and lengthen the development process to no very obvious purpose.

2.5.5 There is no need for Development Briefs to re-state policy requirements for specific infrastructure needs. These matters are covered by complementary policies elsewhere in the Local Plan. Specific infrastructure requirements for larger and strategic sites will be covered by Appendix 2 Development Principles. The checklist set out in Appendix 3 appears adequate, being based on the DETR's recent 'Guide to Better Practice'. Where there is perhaps a slight gap in contextual or locational matters, to be covered in the Brief, is in the area of public transport accessibility. Since the Plan usefully includes (in Appendix 9) a Public Transport Accessibility Map, the accessibility zones of site and surroundings might reasonably be included in the matters to be taken into account in preparing a Brief. This might well be a very valid consideration where accessibility by foot, cycle and public transport may be significantly enhanced as a result of the development of either the immediate or surrounding areas.

RECOMMENDATIONS

- GD/5/1 Modify Appendix 3 (Development Briefs), generally as proposed by PIC A3/2.
- GD/5/2 Modify Policy G5 to read as follows:
 - (1) THE DISTRICT COUNCIL MAY REQUIRE THE PREPARATION OF DEVELOPMENT BRIEFS IN ACCORDANCE WITH THE PROCEDURES SET OUT IN APPENDIX 3. THE TYPE OF BRIEF TO BE PREPARED WILL IN ALL CASES REFLECT THE SIZE, COMPLEXITY OR SENSITIVITY OF THE SITE.
 - (2) ALL SUCH DEVELOPMENT BRIEFS SHOULD INCLUDE A SPATIAL ANALYSIS OF THE SITE AND SURROUNDINGS, INCLUDING AN IDENTIFICATION OF ITS LOCAL CONTEXT. ALL DEVELOPMENT BRIEFS WILL BE SUBJECT TO PUBLIC CONSULTATION AND TO APPROVAL BY THE DISTRICT COUNCIL.
- GD/5/3 Further modify Appendix 3 by the insertion of the following in paragraph 2.1:

'Development Briefs are usually needed only for large or complex or sensitive sites and there is no defined threshold at which a Brief must be prepared or a prescribed area around the site which must be taken into account in its preparation.....'

'Where a Development Brief is required, it will usually be prepared.....'

- GD/5/4 Further modify Appendix 3 by the addition of the following bullet point:
 - **Public Transport Accessibility.** The location of the site relative to levels of access by existing scheduled public transport and in relation to footpath and cycleway networks, both existing or as proposed in the immediate and surrounding development area or areas.

G6 DESIGN STATEMENTS

The Objections

0524/7	Thames Valley Chamber
0572/13	Fairview New Homes PLC
0608/6	G W Deeley Limited
1584/35	The Marlow Group

Summary of Objections

- (a) Object to mandatory nature of policy. Government guidance places no such requirement on applicants. The word 'must' should be replaced with the phrase 'will be encouraged to'.
- (b) Steps should be taken to ensure policy is implemented.

Inspector's Reasoning and Conclusions

2.6.1 Policy G6 seems unexceptionable, especially in the context of greater emphasis on design guidance, design quality and the importance of design skills in all forms of development, especially housing. The emphasis in the revised PPG3 on increased residential densities and the greater reliance on brownfield and urban-greenfield sites makes design a key criterion of overall acceptability. This is important, not only to the prospective occupier or owner of new housing and other buildings, but also to directly affected local residents. The latter will increasingly be closer neighbours of new development, such is the increasing emphasis on urban locations. They will naturally and reasonably look to the LPA to safeguard their amenity in the exercise of development control functions. It is not so much the wording of the Policy that is objectionable as its degree of overlap and duplication with both Policies G4 and G5. These objections may be overcome by a degree of detailed modification as to wording.

RECOMMENDATION

- GD/6/1 Modify Policy G6 to read as follows:
 - (1) DEVELOPERS SHOULD DEMONSTRATE THAT THEY HAVE FULLY SATISFIED THE REQUIREMENTS OF POLICY G4 AS REGARDS DESIGN

QUALITY, IN RELATION TO LOCAL CHARACTER, IN THEIR PROPOSALS. THE AMOUNT OF INFORMATION TO BE PROVIDED WILL DEPEND ON THE NATURE AND SIZE OF THE PROPOSED DEVELOPMENT. FOR LARGE, COMPLEX OR SENSITIVE SITES, ESPECIALLY WHERE THESE WERE THE SUBJECT OF POLICY G5 DEVELOPMENT BRIEFS, THIS SHOULD COMPRISE A WRITTEN AND ILLUSTRATED STATEMENT AND INCLUDE:

- (a) AN APPRAISAL OF THE SITE AND SURROUNDINGS;
- (b) AN ANALYSIS OF THE PROPOSED DESIGN AND LAYOUT; AND
- (c) A STATEMENT ON HOW THE DEVELOPMENT WOULD COMPLEMENT OR REINFORCE THE LOCAL DISTINCTIVENESS OF THE WIDER AREA.

G7 THE CHARACTER OF LARGE-SCALE DEVELOPMENT

The Objections

0408/15	Ercol Furniture Limited
0524/8	Thames Valley Chamber
0608/7	G W Deeley Limited
0922/8	House Builders Federation
1141/26	Beazer Strategic Land
1590/1	Mr David Emmerson.

PIC 2/5 Objections

0571/36	Laing Homes Limited
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Summary of Objections

- (a) Object to mandatory nature of policy. The word 'require' should be replaced by 'encourage'.
- (b) Clarification of 'large-scale' required. The words 'large-scale' should be incorporated into the policy.
- (c) Unclear how provisions of policy are to be met, e.g. creation of an 'identifiable character'.
- (d) Requirement to 'raise the architectural and environmental quality of the area' could be too high a test and might be difficult to assess.
- (e) Unsatisfactory definition of 'degraded environment'.
- (f) Object to definition of large-scale. Definition as proposed is arbitrary and not appropriate.

Inspector's Reasoning and Conclusions

2.7.1 The issue of what constitutes large-scale development has been addressed in PIC 2/5. This sets a threshold of 1 hectare (=10 000 sq m) in the revised supporting text (at paragraph 2.23). Given the recent advice on increased residential densities, this means that housing proposals in the range of 30-50 dwellings (and above) might be covered by the Policy. This

would be a reasonable size of development or redevelopment to have the required autonomy to allow for an enhanced level of intrinsic design. What the Policy seeks to achieve, in appropriate situations, is to raise the level of urban design quality above that commonly found in areas of poor layout or of mediocre architectural expression. Policy G7 is consequently intended to complement Policy G4. That is to say, the latter sets a design quality benchmark at or just above that found in the proximity of a development site. All that Policy G7 calls for is a higher *intrinsic* level of design quality in an area of development which is of a suitable size (and hence reasonable autonomy) to justify a more critical appraisal of its layout, design and external appearance. This seems perfectly consistent with the advice of PPG1 (Annex A).

2.7.2 The wording of the Policy and its supporting text may be criticised for slightly clumsy wording. From a purely semantic point of view, the word 'development' in a planning context refers to a legal and abstract concept which accordingly has no plural form (ie 'developments'). It would be better to use expressions such as 'development areas' or 'development proposals' throughout the Local Plan, notwithstanding the fact that the word 'developments' has crept into very recent Government publications. The LPA may wish to consider this point when any modifications are made or published. No specific recommendation is made but the use of the word 'developments' will be avoided elsewhere in this report. It is probably better to remove the rather subjective and pejorative definition of 'degraded areas' in both supporting text and the Policy itself. Policy G4 amply covers such situations; it would only be reasonable to look for a more general upgrading of design quality on urban sites that are of a size to allow of more opportunity and critical appraisal in this respect.

RECOMMENDATIONS

- ❑ GD/7/1 Modify paragraph 2.23, generally as proposed by PIC 2/5.
- ❑ GD/7/2 Delete paragraph 2.24 with consequential paragraph re-numbering.
- ❑ GD/7/3 Modify Policy G7(1) to read:

(1) WITH RESPECT TO LARGE-SCALE DEVELOPMENT PROPOSALS (IN EXCESS OF ONE HECTARE) IN EXISTING URBAN AREAS OF POOR LAYOUT OR INDIFFERENT TOWNSCAPE QUALITY, THE DISTRICT COUNCIL WILL LOOK FOR A GENERALLY ENHANCED LEVEL OF DESIGN SUCH AS TO RAISE THE OVERALL ARCHITECTURAL AND ENVIRONMENTAL QUALITY OF THE SITE AND ITS SURROUNDINGS.

G8 ROOFSCAPE, TOPOGRAPHY AND HILLTOP DEVELOPMENT

The Objections

0224/8	Mr John Howard Spanner
0817/5	Croudace Limited
1141/27	Beazer Strategic Land
1584/36	The Marlow Group

Summary of Objections

- (a) Policy should include the lopping of trees between homes and factories at Western Rutland Avenue (skyline views).

- (b) Requirements of policy are unreasonable and restrictive. Planning applications require a balance having regard to all material considerations. Policy as stands would indicate that all development deemed to cause harm should be refused, irrespective of whether that harm was outweighed by need. Change wording to 'will not cause unacceptable harm'.
- (c) Question whether three-dimensional representations are appropriate or feasible in all cases.
- (d) Paragraph 2.25 is too negative.

Inspector's Reasoning and Conclusions

2.8.1 One of the key characteristics of Wycombe District is its varied topography with steep slopes and pronounced ridgelines. These are well illustrated and described in chapter 2 of the 'Chilterns Buildings Design Guide'. One consequence of this land form is that building profiles and roofing materials often become of critical importance to the wider landscape and townscape. Mistakes have been visibly made in the past and it is clearly appropriate to include a General Design policy which specifically addresses these matters and which signals to intending developers their local significance. The amount of illustrative detail set out in PIC 2/6 appears to be reasonable, having regard to the advice of paragraph A4 of PPG 1. Although three-dimensional material to accompany planning applications may not invariably be required, as being unduly prescriptive, it may very often be useful in the evaluation and approval of such proposals. The question of specific treatment of skyline trees cannot be addressed in a general policy such as this. The detailed wording of the supporting text and policy might usefully be modified to reflect the amount of application detail required but remove reference to 'harm', since a trade-off between 'need' and 'harm' has no place in a Policy specifically designed to control the purely qualitative aspects of development.

RECOMMENDATIONS

- GD/8/1 Modify Policy G8 criteria (a-d) as proposed by PIC 2/6.
- GD/8/2 Modify the title of the Policy to read:
'Development in Relation to Local Topography'
- GD/8/3 Modify paragraph 2.25 to read:
'Given the varied topography of Wycombe District, it is particularly important that wider views from both higher and lower ground be fully taken into account when considering planning proposals located on ridgelines, hillsides and along valley floors. Building silhouettes and their roof profiles and covering may have a correspondingly greater impact in such locations. Proposals should accordingly demonstrate their local visual impact having regard to the special characteristics of the District. To this end, Policy G8 sets out the type of additional information that may be required by the District Council.'
- GD/8/4 Modify Policy G8 to read:
(1) DETAILED PROPOSALS FOR THE DEVELOPMENT OR REDEVELOPMENT OF SITES LOCATED WITHIN VALLEY SIDES OR FLOORS OR UPON PROMINENT HILLTOPS OR RIDGELINES SHOULD DEMONSTRATE TO WHAT EXTENT AVAILABLE VIEWS FROM SURROUNDING HILLS OR VALLEYS HAVE BEEN TAKEN INTO ACCOUNT. IN ORDER ADEQUATELY TO ILLUSTRATE THE TOPOGRAPHICAL IMPACT OF SUCH PROPOSALS, THEY MAY NEED TO BE SUPPORTED BY:'

[insert criteria (i-iv) as (a-d) as proposed by PIC 2/6]

G9 IMPROVING THE LOCAL CONTEXT AND PROTECTING AMENITY

The Objections

0571/20	<i>Laing Homes Limited</i>
0817/6	<i>Croudace Limited</i>
0874/8	<i>National Farmers Union</i>
0922/13	<i>House Builders Federation</i>

Summary of Objections

- (a) Proposals for development should have 'regard' to the privacy standards in Appendix 1, rather than 'complying' with them, in order to provide the necessary flexibility, bearing in mind local circumstances.
- (b) Delete reference to residential design guidance contained in Appendix 1. The reference is too ambiguous and its intent is unclear.
- (c) Policy should include specific guidance on the location of development in relation to farms.
- (d) Space standards within residential development is a matter for commercial judgement.

Inspector's Reasoning and Conclusions

2.9.1 The intention of Policy G9 is clear and its general aims deserve support. It is intended to look after the amenity of residents and other occupants of both new buildings and also property directly affected by development or redevelopment. Such a policy is certainly needed in a situation where brownfield, rather than greenfield, sites are increasingly used for new building or for the conversion of buildings and their change of use. It would also be highly relevant in situations where greater bulk and higher densities of buildings and occupation are being sought. Most especially, standards of amenity may often be critical in judging the merits of mixed use or 'live and work' development when this is under review. The important aspects of development are those cited: loss of sunlight and daylight, diminution of solar gain, visual intrusion, privacy from direct overlooking, noise from adjacent uses and disturbance caused by the movement and parking of vehicles. It is implicit in the Policy that external space standards are a proper matter for planning control. There is no apparent intention for Policy G9 to control internal space standards within dwellings.

2.9.2 That said, Policy G9 is a little lacking in focus and precision. It might well be difficult to apply criteria (ii) and (iii) in practice. It is by no means certain that intending developers would know whether their proposals would or would not satisfy the policy. It is instructive to note that criterion (i) is specifically backed by the residential design standards set out in Appendix 1 of the Plan. Without, at this stage, seeking to endorse these standards, the model of Appendix 1 might well be applied to Policy G9 in order to give it some focus and a welcome degree of objectivity. It is therefore recommended that the six most likely forms of adverse impact be more fully detailed in the Policy. Whether the LPA choose to expand Appendix 1 (Residential Design Criteria) to encompass these points or include a new Appendix (General Design

Standards) is a matter for it. Since the adverse impacts will predominantly be felt within residential property, the former is possibly the more expedient.

2.9.3 Although new housing, being the commonest and most widespread form of development, clearly merits its own design guidance, it is doubtful whether rural development in the vicinity of individual farms justifies equivalent guidance. The limited amount of such development and the common landscape setting of Wycombe and adjoining districts suggests that more general and advisory guidance such as that recently issued by the Chilterns Conference for the AONB will be adequate. Indeed, Appendix 1(7) of the Plan addresses the general points of development within both the AONB and MGB. Some additional guidance in the supporting text might be appropriate, especially where this might make reference to the objective standards by which conformity with Policy G9 and its detailed aspects might be more clearly ascertained. It might also be more consistent with the general aims of the Policy to amend the sub-heading to 'Detailed Design Guidance and Local Amenity'.

RECOMMENDATIONS

- GD/9/1 Insert the sub-heading 'Detailed Design Guidance and Local Amenity' before paragraph 2.26.
- GD/9/2 Modify paragraphs 2.26 and 2.27 to read:

2.26 The District Council will wish to control the effects of future development (this may include changes of use, conversion and extension as well as new buildings) which might harm living and working conditions within its own site boundaries and also surrounding property. It is particularly concerned that future living and working conditions are reasonably protected from such demonstrably adverse effects such as loss of daylight and sunlight, reduction of solar gain, invasion of privacy, overlooking, visual intrusion and overshadowing, increased activity or noise and disturbance caused by the movement or parking of vehicles.

2.27 The extent of such adverse effects of development may be judged by reference to published and authoritative national standards and guidance. For example, site layout optimisation with respect to sunlight, solar gain and daylight has been the subject of study by the Building Research Establishment (March 1992). Other authoritative advice such as the calculation of road traffic noise and the layout of residential roads and footpaths has been published by the formerly separate Departments of Transport and the Environment (1988 and 1992). The aspects of design which are critical to a proper assessment of impact are specified in Policy G9 and are fully detailed in Appendix 1 of the Plan. In some cases, the impact of development may be controlled within acceptable limits by the use of planning conditions.
- GD/9/3 Modify Policy G9 to read:

(1) DETAILED PROPOSALS FOR DEVELOPMENT WILL BE REQUIRED TO SAFEGUARD THE FUTURE AMENITY OF RESIDENTS AND OTHER OCCUPANTS AND ALSO THOSE OF SURROUNDING LAND AND BUILDINGS WITH PARTICULAR REFERENCE TO THE FOLLOWING ASPECTS OF DESIGN:

 - (a) DAYLIGHT AND SUNLIGHT;
 - (b) POTENTIAL SOLAR GAIN;
 - (c) PRIVACY AND OVERLOOKING;
 - (d) VISUAL INTRUSION AND OVERSHADOWING;
 - (e) TRAFFIC NOISE AND DISTURBANCE; AND

(f) PARKING AND MANOEUVRING OF VEHICLES.

(2) CONFORMITY WITH THIS POLICY WILL BE ASSESSED BY REFERENCE TO PUBLISHED NATIONAL DESIGN GUIDANCE AND RESEARCH AND ALSO TO THE ADOPTED DETAILED CRITERIA SET OUT IN APPENDIX 1 OF THE LOCAL PLAN.

G9A: ACCESS FOR PEOPLE WITH DISABILITIES

The Objections

0817/27 Croudace Ltd
0872/16 Government Office for the South East
0922/2 House Builders Federation

Summary of Objections

- (a) Policy is unnecessary and should be deleted, or amended to refer to Part M of the Building Regulations which 'requires' developers to make appropriate provision for people with disabilities.

Inspector's Reasoning and Conclusions

2.9A.1 Policy G9A (previously Policy T6) requires provision for the disabled within development land that will be for a use subject to approval under Part M of the Building Regulations. That much is made clear in the first paragraph of the Policy. To that extent the objection is met. The other limb of the objection ie that the Policy is 'unnecessary' cannot be supported. The reason is that the Building Regulations are essentially concerned with *buildings*. Planning control is expressly concerned with both *land and buildings*. In other words, the nature of development sites may have to be examined fairly carefully to see whether they are suitable for free access and internal movement by the infirm and disabled. This degree of control may have to be exercised at an early stage; for example, in considering planning applications made in outline. Unlike building control, where the relevant details of layout and construction may be amended to conform with regulations, the very shape, location and nature of a development site may preclude its intended use, having regard to the needs of the disabled for reasonable mobility within its boundaries.

RECOMMENDATION

- GD/9/4 No modification.

G10 LANDSCAPING

The Objections

1073/4 East of Amersham Hill Residents Association
1193/18 Environment Agency

1200/10 English Nature
1293/11 Naphill & Walter's Ash Residents Association
1294/4 Environmental Records Office Bucks County Museum

Summary of Objections

- (a) Paragraphs 2.30, 2.35 and 2.36 should make reference to value of features such as ponds, hedgerows, tress and woodlands in forming wildlife corridors, links or stepping stones from one habitat to another.
- (b) Policy must be enforceable, particularly in respect of modifications to a site.
- (c) Screening criteria should be added to the Policy, especially with regard to car parking.
- (d) Make provision in policy to encourage the planting of native species appropriate to the area and which are of local provenance.

Inspector's Reasoning and Conclusions

2.10.1 The Environment Agency's objection is more relevant to chapter 10 of the Local Plan and is adequately covered in the proposed change to Policy L10 and its reasoned justification. It would probably not be reasonable to insist on 'locally appropriate species' within new development and its landscaping. The reason is that, to be useful, the policy would have to nominate a long list of species that are 'appropriate' from this standpoint. In any event, the use of certain exotic or non-native species enjoys an honourable tradition in British landscape design. They may well be suitable, given careful choice of species and a hospitable micro-climate, particularly in the case of innovative architectural forms or landscape enhancement schemes. The objection which seeks to widen the scope of the Policy to include alterations of existing developed sites has some force, especially in sensitive areas, and might be met by a suitably amended formulation. The use of the phrase 'new development' is much too restrictive and in any case has a specific legal meaning in the context of land use planning. Although it is certainly the case that planting embellishes car parking areas, it would be out of place in a Chapter 2 Policy to specify individual land uses or types of development.

RECOMMENDATIONS

- GD/10/1 Modify Policy G10(1) by the inclusion of the following words:
 - (1) DETAILED PROPOSALS FOR THE INITIAL OR SUBSEQUENT DEVELOPMENT OF INDIVIDUAL SITES WILL BE REQUIRED TO:
[continue with existing criteria (i-iii) as (a-c)].

G11 TREES, HEDGEROWS AND WOODLANDS

The Objections

0595/11 Berks, Bucks & Oxon Wildlife Trust (BBONT)
0817/7 Croudace Limited
0831/2 Miss M B Messenger
1579/8 Oxford Land Limited

PIC 2/8 Objections

0376/29 Axa Equity and Law Life Assurance Society PLC
1579/18 Oxford Land Limited

Summary of Objections

- (a) Strengthen policy, so that only locally native species are used in landscaping and other schemes in the countryside, with a 50% requirement in urban areas.
- (b) Policy should be shortened to provide a clear and simple statement of protection.
- (c) Regard should be had to the health of hedgerows, as well as trees, when considering applications to remove them.
- (d) Object to reference to 'trees and hedgerows which are likely to become visually significant when the site is developed'. If not considered visually significant or good quality as existing, then there is no reason to retain them. Places unnecessary constraint upon development.
- (e) Policy is duplication of existing controls and should be deleted (ie TPOs and hedgerows identified as SINC or BNS. No indication is given as to how policy can be implemented.

Inspector's Reasoning and Conclusions

2.11.1 The question of using only (or mainly) native or local species of trees in landscaping and planting schemes in town and country has already been addressed. This is a matter for the discretion of the LPA who will no doubt have careful regard to the content of Policy G10 (see above). The wording of Policy G11 does not seem excessively lengthy except to the extent that the very general requirement for replacement planting in the case of permission to fell protected trees might better be dealt with on a case by case basis. It is certainly logical to recognise the situation where trees (or other landscape features) may emerge more fully into the public visual domain following development. This point was recognised in DoE C36/78 (paragraph 40) where the making of tree preservation orders (TPOs) was noted as being of acknowledged public benefit 'present or future (for example, when proposed development has taken place)'. The wording of the Policy, substantially as proposed in PIC 2/8, is accordingly endorsed.

2.11.2 It is probably correct to avoid reference to the specific 'health' of hedgerows (as distinct from the healthy state and stability of trees). This is because the protection of hedgerows is the subject of fairly recent legislation (unlike trees) and the relevant criteria for such protection do not include the matter of health. The retention of hedgerows implies continuing maintenance costs on landowners and may often inhibit certain modern agricultural methods. However, their retention is now seen as being justified for their historic and ecological interest as much as amenity, rather as some buildings are protected for their special historic (as well as architectural) interest. It is difficult to see how Policy G11 might properly include criteria for sanctioning the outright removal of hedgerows. The thrust of the policy is directed mainly towards future *development activity*, as distinct from continuing agricultural use or future estate management. It is mainly intended to govern the normal development control activities and functions of the LPA and, as such, cannot be held to be unduly negative in tone and character.

2.11.3 It is hard to see how the largely re-written supporting text or the Policy itself duplicates other forms of planning control or indeed designated areas subject to TPO, SINC or BNS controls. The Policy is district-wide and is mainly intended to apply to development (or redevelopment) proposals and to proposed arboricultural activities, especially in conservation areas. The Policy merely states the intention of making TPOs in certain cases and sets out

certain criteria for exercising the relevant powers in this connection. These powers are of very general application outside any specifically designated areas, the subject of Chapter 10 of the Local Plan. The third paragraph of Policy G11 merely covers the fairly recent powers of the LPA with regard to hedgerow preservation, referred to above; again a matter which applies to areas of countryside quite outside those designated as SINC's or BNS's. The Policy will routinely be implemented as and when relevant applications for planning permission or for consent to carry out works on protected trees are received.

RECOMMENDATIONS

- GD/11/1 Modify Policy G11 generally as proposed by PIC 2/8.
- GD11/2 Delete the entire third paragraph: 'WHERE TREES THE SUBJECT OF TPOs ARE REMOVED....NORMALLY BE REQUIRED'.
- GD11/3 Number the three retained paragraphs G11(1-3) and letter the paragraph (2) criteria (a-b).

G12 WASTE MANAGEMENT

The Objections

0158/2 High Wycombe and Marlow Green Party
1584/39 The Marlow Group

Summary of Objections

- (a) References in paragraphs 2.41 and 2.42 require clarification; encouraging wheelie bin storage will actively discourage composting.
- (b) Provision needs to be made for enforcement procedures and for the levying of fines.
- (c) House to house collection of all recyclable products required.

Inspector's Reasoning and Conclusions

2.12.1 The objections to Policy G12 and its supporting text are essentially directed at the Council's waste collection practices. The Local Plan correctly addresses only those aspects of waste management which relate to the development and use of land. It is clearly desirable that new development should accommodate suitable facilities for holding waste products and refuse prior to collection. Such facilities are plainly essential on both residential and non-residential development and it is right that developers' attention be drawn to this requirement. The Plan goes as far as it reasonably can in the direction of encouraging composting and the recycling of waste material. This is evidently consistent with the corporate policies of WDC and the objectors may accordingly wish to direct their legitimate concerns to other agencies of the authority.

RECOMMENDATION

- GD/12/1 No modification.

G13 POLLUTION AND NUISANCE

The Objections

0158/3	High Wycombe and Marlow Green Party
0339/3	Slough Estates PLC
0524/9	Thames Valley Chamber
0608/8	G W Deeley Limited
0840/12	Marlow and District Chamber of Trade & Commerce
0922/11	House Builders Federation

Summary of Objections

- (a) Sustainability appraisal of the policy receives 'negative impact' marks. This seems very subjective as this could attract 'cleaner' industries. If reductions in pollution were not achieved, other companies could also leave the area.
- (b) Policy is unreasonable and does not accurately reflect planning guidance; can be translated as meaning the Council would withhold planning permission, when statutory pollution control authorities have accepted there is no problem.
- (c) Include revised Environment Act 1995 requirements for Council to state the reasonable decontamination measures required in advance of a grant of planning permission.
- (d) Object to application of 'precautionary principle'. It is for the Government to consider, not the Council via its Land Use Plan.

Inspector's Reasoning and Conclusions

2.13.1 The essence of the advice of PPG 23 (1994) is that 'the planning and pollution control systems are separate but complementary' (paragraph 1.2). Some of the objections to Policy G13 miss this essential point. The purpose of the Policy is not to add a separate or supplementary level of control to that available to the Environment Agency. It is rather to avoid the consequences of pollution, nuisance and disturbance that might arise from the side by side location of potentially incompatible land uses. The exercise of pollution control is more interventionist, over time, than planning control. It is able to intervene and regulate established industrial processes, for example, especially where new technology allows for the abatement or control of pollution. Such powers of intervention or enforcement are simply not available to planning authorities unless demonstrable intensification or some other material change of land use amounts to development in the statutory legal sense.

2.13.2 In other words, planning authorities' control over pollution and consequential nuisance and environmental degradation is mainly exercised at the point and time of authorising development. They cannot necessarily intervene at a later stage and hence they need to take a very careful and considered view of the longer-term effects of specific development upon the surroundings of an application site. The LPA will naturally wish to heed the advice of statutory pollution control authorities, as stated in Policy G13. Equally, they will quite properly (and additionally) wish to take into account the wellbeing, anxieties and reasonable apprehension of occupants of nearby land and buildings, as established by the *Newport* case cited by the LPA. These matters are material planning considerations. They also include the likely concerns of *future* occupants of residential development, if it is intended to be located near or alongside potentially polluting land uses.

2.13.3 The role and objectives of the land use planning system in waste management is further defined in the Introduction (paragraph 5 (c-e)) to the later PPG 10 (1999) as follows:

- (d) to encourage sensitive waste management practices in order to preserve or enhance the *overall quality of the environment* and avoid risks to human health;
- (e) to have regard to the need to protect areas of designated landscape and nature conservation value from *inappropriate development*;
- (f) to minimise adverse environmental impacts resulting from the handling, processing, *transport and disposal of waste*;

[The objection which relates to the decontamination of development land is addressed in PIC 2/11 and will be considered later in this report under the heading of Policy G18].

2.13.4 The above extracts from PPG 10 are of considerable relevance also to the formulation, adoption and implementation of Policy G12 (see above). The phrases which are in italics (Inspector's emphasis) fairly clearly indicate the locus of the LPA and of land use planning generally to the related processes of waste management and pollution control, the subject of Policies G12 and G13 of the Local Plan. The latest Planning Policy Guidance explicitly asks LPAs to have regard to matters such as environmental quality, landscape and nature conservation, transport planning and accessibility. These matters may well be outwith the competence of the statutory pollution control authorities. They are beyond question matters which the LPA will wish to address, where and when appropriate, in their determination of individual planning applications.

2.13.5 The Green Party's objection seems to relate more to the formulation of the Policy Impact Matrix and its application to plan preparation. It also relates to the probable effects of adopting the Policy upon the attraction and encouragement of new industry of a non-polluting character. It is hard to understand how a generally protective and selective policy such as G13 might have an allegedly deterrent effect. It is improbable that inward investment or development decisions will be made on the basis of a study of the Policy Impact Matrix. The only possible indirect effect of the adoption and operation of Policy G13 is likely to be benign. Apart from its safeguarding of environmental amenity, the fact that certain locations will be effectively denied to polluting industry will give non-polluting industry a comparative advantage in locating within Wycombe District; presumably an outcome which these objectors would welcome.

RECOMMENDATION

- GD/13/1 No modification

G14 AIR QUALITY

The Objections

0158/4 High Wycombe and Marlow Green Party
0872/21 Government Office for the South East

Summary of Objections

- (a) Sustainability appraisal of the policy receives 'negative impact' marks. This seems very subjective as this could attract 'cleaner' industries. If reductions in pollution were not achieved, other companies could also leave the area.
- (b) The term 'resisted' is imprecise. Policy should set out the circumstances under which planning permission would be granted.

Inspector's Reasoning and Conclusions

2.14.1 The objection of the Green Party is the same as that directed against Policy G13. For similar reasons, it does not seem necessary to recommend any modification of Policy G14 since it is similarly intended to have a benign environmental effect and to inhibit activities tending towards atmospheric pollution. PIC 2/9 is endorsed but it does not entirely meet the relevant objection. The expression 'significant deterioration' is indeed imprecise and the Policy might be made a little more explicit. The Policy might refer to the monitoring function of WDC as the environmental health authority and the contents of the DETR advice contained in 'Air Quality and Land Use Planning' (1997). Accordingly, additional reference might be made to the relevance to development control of any air quality reviews and the subsequent designation of Air Quality Management Areas (AQMS). There does not seem to be any particular point in making more specific mention of vehicular air pollution since this is covered in the text. The LPA request an updating of the position set out in paragraph 2.52 and this is endorsed as an accurate updating of the relevant Air Quality Regulations.

RECOMMENDATIONS

- ❑ GD/14/1 Insert '2000' for '1997' in paragraph 2.52 of the supporting text.
- ❑ GD/14/2 Modify Policy G14 as proposed by PIC 2/9.
- ❑ GD/14/3 Further modify Policy G14 to read as follows:
 - (1) PROPOSED DEVELOPMENT WHICH, BY ITS NATURE, LOCATION, EXTENT OR GENERATION OF ROAD VEHICLE TRAFFIC, WOULD BE LIKELY TO CAUSE A MEASURABLE DETERIORATION IN LOCAL AIR QUALITY, AS ESTABLISHED BY THE COUNCIL'S PERIODIC REVIEWS, WILL NOT BE PERMITTED.
 - (2) PLANNING PERMISSION WILL NOT BE GRANTED FOR ANY FORM OF DEVELOPMENT THAT WOULD HAVE A SIMILARLY ADVERSE IMPACT ON THE AMENITY OF NEARBY OR PREVIOUSLY AUTHORISED LAND USES BY VIRTUE OF SMELL OR OTHER FORMS OF ATMOSPHERIC POLLUTION.
 - (3) IN AN AIR QUALITY MANAGEMENT AREA (AQMA) WHICH HAS BEEN DESIGNATED AS A RESULT OF PERIODIC OR OTHER SURVEYS OF ROAD TRAFFIC, INDUSTRIAL OR OTHER FORMS OF POLLUTION, DEVELOPMENT WHICH WOULD BE LIKELY TO CAUSE AN INCREASE IN SUCH POLLUTION WILL NOT BE PERMITTED.

G15 NOISE POLLUTION

The Objections

0158/5	High Wycombe and Marlow Green Party
0379/39	Sport England
0408/17	<i>Ercol Furniture Limited</i>
0524/10	<i>Thames Valley Chamber</i>
0608/9	<i>G W Deeley Limited</i>
0817/8	Croudace Limited

PIC 2/10 Objections

0379/46 Sport England

Summary of Objections

- (a) Sustainability appraisal of the policy receives 'negative impact' marks. This seems very subjective as this could attract 'cleaner' industries. If reductions in pollution were not achieved, other companies could also leave the area.
- (b) Policy should include positively worded criteria for site selection without placing undue restrictions on operational development (e.g. for sports that may generate noise). Policy should include criteria for assessment of suitable sites for these sorts of activity.
- (c) Object on grounds that even a relatively small adverse effect on amenity could be contrary to policy. Amend wording to 'significant' or 'unreasonable'.
- (d) Paragraph two of the policy is unreasonable and unworkable. It is not possible to predict whether a particular area will become subject to unacceptable levels of noise from some currently unknown source.

Inspector's Reasoning and Conclusions

2.15.1 The objection by the Green Party has been dealt with earlier and no modification of either the wording of Policy G15 or its supporting text would appear to answer it. Sport England's objections seek to have the Policy more positively worded so as to steer sporting activities to appropriate locations. It is probably not right, within the General Development Chapter of the Local Plan, to address the preferred location of specific land uses or outdoor activities. Moreover, the subject is adequately covered by Policies RT4 and RT5 that govern the establishment or extension of both indoor and outdoor activities. The objection that the Policy is too exacting is met by PIC 2/10, which is therefore endorsed. The second paragraph seems reasonable in the sense that it is a function of planning control to consider the possibility or probability that certain land use or transport generated noise sources may increase in both ambient levels or duration in future. The third paragraph indeed recognises such situations and provides for the attenuation of external noise by way of planning condition.

2.15.2 The whole question of attenuating or mitigating the effects of external noise nuisance is considered in Annex 1 to PPG24. Its classification of four noise exposure categories (NECs) is based on overall noise levels, from whatever source. NEC-A and NEC-D classification of a site implies, respectively, its general acceptability or probable unsuitability for residential development. NEC-B and NEC-C classification suggest presumptions in favour or against residential development, given that conditions *may* be imposed on planning permission or that such conditions *must* be imposed in the event that alternative quieter sites are not available. All that Policy G15 seeks to do is to apply this advice more explicitly to noise-sensitive development (or redevelopment) within Wycombe District. Admittedly, PPG24 is largely silent on the subject of significant changes in ambient noise levels over time. Equally, it does not qualify its advice with reference exclusively to existing levels. The LPA appear merely to have had commendably prudent regard to the sort of land use change or intensification referred to in paragraph 10 of the PPG.

2.15.3 The question of sound insulation within buildings is largely but not entirely a matter for the relevant Building Regulations. Standards of floor and party wall insulation are prescribed by Regulation and it is not for the LPA to comment on their adequacy in the case of new construction. However, in the case of building conversion, adaptation and change of use, it is perfectly proper for the LPA to bear in mind the attainability of adequate sound insulation before authorising development or making it subject to suitable conditions. Such conditions

may well be based on the authority of the fourth paragraph of Policy G15. There may also be development situations, especially where housing sites are classified as NEC-C, where the nature of the housing design or layout may need very careful appraisal indeed to ensure adequacy of internal (or immediately external) sound climates. Conditional permissions may therefore be appropriate. A modification of the second paragraph of the Policy might well cover such situations, these being not uncommon, given an increasing preference for brownfield development.

RECOMMENDATIONS

- GD/15/1 Modify Policy G15, generally as proposed by PIC 2/10.
- GD/15/2 Modify the second and third paragraphs of Policy G15 to read:
 - (2) PLANNING PERMISSION WILL NOT BE GIVEN FOR RESIDENTIAL OR OTHER NOISE-SENSITIVE DEVELOPMENT ON SITES WHICH ARE [OR ARE RELIABLY EXPECTED TO BECOME] SUBJECT TO UNACCEPTABLE LEVELS OF NOISE OR VIBRATION UNLESS ITS DETAILED DESIGN AND LAYOUT HAVE BEEN ARRANGED TO REDUCE THE FUTURE AMBIENT NOISE LEVELS BOTH WITHIN AND ADJACENT TO BUILDINGS.
 - (3) WHERE PLANNING PERMISSION IS GRANTED FOR SUCH DEVELOPMENT IN THESE AREAS, CONDITIONS MAY BE ATTACHED TO THE PERMISSIONS WITH THE OBJECT OF MITIGATING THE EFFECTS OF EXTERNALLY-GENERATED NOISE AND VIBRATION FOR THE BENEFIT OF FUTURE OCCUPANTS OR RESIDENTS, HAVING REGARD TO PRESENT OR FUTURE LEVELS OF AMBIENT NOISE AS SHOWN BY SURVEY OR CALCULATION.

G16 LIGHT POLLUTION

The objections

0379/44	Sport England
0841/7	Mr Lance Adlam
1584/41	The Marlow Group

Summary of Objections

- (a) Policy is poorly worded and overly restrictive; policy should recognise the important and positive role that floodlighting plays in relation to sports pitches.
- (b) Wording in paragraph 2.58 should be changed from 'effects of a lighting scheme' to 'the external effects of illumination'.
- (c) Care should be taken of the conflict between traffic lights, street lighting and illuminated shop signs.
- (d) The nuisance value of artificial lighting does not constitute 'pollution'.

Inspector's Reasoning and Conclusions

2.16.1 To take the definition point first, a recent dictionary definition of 'pollution' is: '(to) make (any feature of the environment) offensive or harmful to human, animal or plant life'. By this

definition, the undue or excessive illumination of the night sky can badly affect enjoyment of people's urban, suburban or rural surroundings. This aspect of urbanisation has been the subject of much adverse comment by the Council for the Protection of Rural England and other bodies, such as the British Astronomical Society, over recent years and it is certainly a proper matter for planning control, to the extent that this is possible. The subject goes beyond considerations of simple amenity; in the case of professional or amateur astronomy, it is of growing and wider concern. This is because sites or locations for astronomical observations are becoming increasingly difficult to find in or near large conurbations simply because of the widespread incidence of light pollution.

2.16.2 The policy, as drafted, is slightly confusing in that policy aims and development control criteria are not clearly distinguished. It is important to recognise that illumination, as such, does not constitute development; it is the physical aspects of lighting *schemes* that fall within planning control. Both the design and appearance of installations, together with their power output, cut-off characteristics, operational efficiency and hours of use may all quite reasonably (and often necessarily) be brought within the ambit of development control, as recognised by the ILE guide cited in evidence. These are also the matters that rightly engage the general public's interest and proper concern. In locations such as conservation areas and AONBs etc (ie generally the designations covered by chapters 10 and 11 of the Local Plan) especially stringent control may be necessary. In such cases, the LPA may wish to stress that rather more prescriptive control by condition may be needed. The degree of control will naturally be related to the scale and precise location; any qualification by the use of the words 'unacceptable' or 'unreasonable' would be vague and unhelpful.

2.16.3 The Sport England objection helpfully draws attention to the technical advances which have been made in illumination technology. No doubt the LPA are well aware of best practice in this field. Where the objection slightly misses the point is in respect of what might be called the 'time and place' aspects of outdoor sports facilities. It is well understood that artificial illumination may commonly make expensive facilities more viable or increase their usefulness. However, these economic and social aspects must be balanced against the interests of non-sporting outsiders. Quite often the interests of local residents are affected not only by the intrusive lighting involved but indirectly by the extended hours of play and the noise and disturbance which these generate. The Policy should accordingly cover the necessity of time-limiting hours of operation as well as performance limits and appearance of luminaires. The words 'external effects of illumination' are too wide in the sense that it is 'lighting schemes' which will normally be the proper subject of planning control or conditions.

2.16.4 It is perfectly true that certain aspects of illumination, such as street and security lighting installations may well make a significant contribution to light pollution. However, these are for the most part outside planning control. It is accordingly fruitless to address this aspect of the overall problem. An exception is in advertisement control, the subject of Policy G24. It is equally pointless to adopt a Local Plan Policy that is aimed at the avoidance of what objectors call 'lighting trespass' in residential areas. Whilst certain anti-social and ostentatious lighting may sometimes occur in such areas, it is not usually capable of being brought under planning control. Moreover, the advice of PPG1 (paragraph 64) is that 'the planning system does not exist to protect the...interests of one person...against another'. Where light spillage may legitimately be controlled on site boundaries is when development requires express consent. Such consent may be suitably conditioned with respect to measurable levels and specific times of illumination.

RECOMMENDATION

□ GD/16/1 Modify Policy G16 to read:

(1) IN CONSIDERING ANY PROPOSALS WHICH INVOLVE THE PERMANENT OR PROLONGED ILLUMINATION OF EXTERNAL OR OPEN

SPACE, THE DISTRICT COUNCIL WILL SEEK TO ENSURE THAT ANY SCHEME OF LIGHTING MINIMISES GLARE AND LIGHT SPILLAGE FROM THE DEVELOPMENT SITE, HAVING REGARD TO THE NATURE AND SENSITIVITY OF ADJACENT LAND USES AND THE CHARACTER OF THE SURROUNDING AREA.

(2) IN DETERMINING RELEVANT PLANNING APPLICATIONS, CONSIDERATION WILL BE GIVEN TO THE EFFECT OF THE LIGHT PRODUCED ON LOCAL RESIDENTS, HIGHWAY USERS AND THE VISIBILITY OF THE NIGHT SKY. CONDITIONS MAY BE IMPOSED, ESPECIALLY WITHIN SENSITIVE AREAS, AS TO THE MAXIMUM VALUES OF SURFACE ILLUMINATION, THE DESIGN AND HEIGHT OF LUMINAIRES AND THEIR SUPPORTING STRUCTURES AND HOURS OF OPERATION.

G18 CONTAMINATED LAND

The Objections

0339/4	Slough Estates PLC
0408/18	Ercol Furniture Limited
0524/11	Thames Valley Chapter
0572/14	Fairview New Homes PLC
0608/10	G W Deeley Limited
0840/14	Marlow and District Chamber of Trade and Commerce
1193/5	Environment Agency

Summary of Objections

- (a) Policy is vague; 'difficult' and 'sensitive' require clarification.
- (b) Policy is drafted in excess of Government guidance requirements, PPG23; question the need for a local plan policy when specific ground conditions are embraced in the normal development control practice.
- (c) Any remediation measures can be implemented by means of a condition not a legal agreement.
- (d) No reference has been made to the Environment Act 1995 or to necessary consultation with the Environment Agency.
- (e) Policy does not refer directly to groundwater, despite identifying the need to afford protection in proceeding paragraphs.

Inspector's Reasoning and Conclusions

2.18.1 A number of the objections have been met by PIC 2/11 which proposes the insertion of paragraph 2.63a and the detailed alteration of the wording of Policy G18. The effect of these changes is to draw attention to the existence of contaminated land surveys and the respective spheres of responsibility of LPA and the Environment Agency. The Policy, as proposed for alteration, appears to be consistent with the advice of PPG23. That is to say, the LPA have the duty to secure the best use of development land which is consistent with the avoidance of the ill effects of past, present and potential future sources of land contamination. They are empowered to impose conditions relating to remedial or preventive works *before* authorised development areas are first used or occupied. These are complementary functions to the role

of the Environment Agency, as explained in paragraphs 1.10-1.12 of PPG23. It may be that the use of legal agreements or planning obligations may be preferred to the imposition of conditional consents. A requirement for prospective developers to investigate methods of preventing pollution seems perfectly reasonable and indeed in line with their related responsibilities under Policy G2. The LPA request a factual update in paragraph 2.63a which is accordingly recommended.

RECOMMENDATION

- GD/18/1 Replace 'is expected to come into force during the Plan period' with 'came into effect in April 2000' in paragraph 2.63a.
- GD/18/2 Modify Policy G18 and its supporting text as proposed by PIC 2/11.

G19 WATER RESOURCES

The Objections

0158/6	High Wycombe and Marlow Green Party
0572/15	Fairview New Homes PLC
0817/10	Croudace Limited
0922/10	House Builders Federation

Summary of Objections

- (a) Water meters should be mentioned by name.
- (b) Proposed housing requirements for the District will exacerbate dangers of over-abstraction of rivers and streams.
- (c) Due account should have been taken of the water supply during the debate which culminated in the strategic housing requirement for the County; the Council should demonstrate that all housing allocations in the plan are able to comply with the need to prove adequate water resources. Policy should be deleted.
- (d) Policy is overly restrictive and should apply to new development, wherever practicable and appropriate, having regard to all material considerations.

Inspector's Reasoning and Conclusions

2.19.1 It is clear from the LPA's response to the objections that all allocated housing sites in the Local Plan have been the subject of consultation with the Environment Agency as to adequacy of water supply without danger of undue river abstraction (or, presumably, difficulties of local distribution). The Policy is accordingly mainly directed at ad hoc or windfall housing provision. It is not entirely clear from the supporting text that this is the principal intention of the Policy. It would be helpful to make this explicit, by an addition to paragraph 2.65, in the interests of consistency of development control decisions if nothing else. There is no purpose in specifying the installation or use of water meters since these are covered by other legislation. Firstly, as the LPA point out, these are now being routinely fitted to all new premises. Secondly, although they undoubtedly 'reduce the demand for water' (in the sense intended by the second paragraph of Policy G19), their compulsory fitting cannot be made retrospective using the powers available to the LPA.

2.19.2 The application of the second part of Policy G19 to planning control is possibly of somewhat limited application. It would appear to be a matter very largely for developers and occupiers of buildings. However, the collection and re-use of waste and rainwater greatly assists conservation and reduces the demand for treated mains supplies. It may be that some house builders may in future also deem it a prudent domestic option in order to remain commercially competitive. However, water recycling is a matter for Building Regulation; it is difficult to see how a question of largely internal services provision could be regarded as an important planning consideration. There may be cases where planning permission may be withheld (or be issued subject to a Grampian condition) in instances where unallocated land is to be developed which might result in excessive water abstraction or excessive surface water drainage requirements. For that reason among others, both parts of Policy G19 should stand. The outdated reference to RPG9 in paragraph 2.66 should be altered.

RECOMMENDATIONS

- GD/19/1 Modify paragraph 2.65 by the addition of the following sentences:
‘The housing allocations made under Policy H2 have been the subject of consultation and it may be assumed that the supply and local distribution of water to them will not exacerbate the overall problem of abstraction.’
- GD/19/2 Modify paragraph 2.66 to reflect the contents of RPG9: 2002.

G20 AND G21 DEVELOPMENT WITHIN THE FLOOD PLAIN

The Objections

0055/3	Mr William John Pressney
0817/11	Croudace Limited
0817/12	Croudace Limited
0922/9	House Builders Federation

Summary of Objections

- (a) Plan requires a statement or policy of flood plain management.
- (b) Policies need to acknowledge that the area of floodplain as identified on the Proposals Map, may not be accurate until detailed survey work has been undertaken. In addition, policies should recognise that there are a number of means by which flooding and associated problems can be alleviated. Floodplain location may not necessarily be a constraint on development.
- (c) Object to policies, unless Council can demonstrate that all housing allocations in the plan are able to comply.

Inspector's Reasoning and Conclusions

2.20.1 The LPA's contention that floodplain management is a matter for the Environment Agency is accepted. As far as the identification of the extent of floodplain on the Proposals Map is concerned, an examination of the affected areas by site inspection tends to suggest that the definition is conservative. The Environment Agency are conducting, no doubt as matter of urgency in the light of recent (2000-2001) flooding in the Thames Valley, a survey of the 100-year floodplain for the purposes of the control of development. The assertion of the LPA that

the extent of such flooding is likely to exceed that shown on the Proposals Map seems inherently plausible. In the light of recent history and experience in South-East England, it would be entirely inappropriate to modify either Policies G20-G21 or their supporting text.

2.20.2 The Environment Agency have made no floodplain-related objections to housing allocations in the Local Plan (but see also objections to the Wycombe Marsh development (Policy H5A)). Taking Policies G20 and G21 together, it is apparent that locations within the floodplain might well be severely constrained as far as development, especially housing development, is concerned. The Policies are related in the sense of floodplain development being both a potential cause of increased severity of flooding and the likely victim of the effects of such flooding. As regards Wycombe District as a whole, the most threatened areas from flooding (and hence subject to Policies G20-G21 notation) are alongside the River Thames. This corridor is severely constrained by Green Belt and other restrictions and it is accordingly probable that the Policies will mainly apply, in practice, to areas of established development.

2.20.3 Since the Local Plan was prepared and put on deposit, further policy guidance has been published (PPG 25: July 2001). As the LPA claim, Policy G20 is more rigorous than the draft version of the PPG. However, as Policies G20 and G21 appear broadly in accord with the advice set out in paragraphs 51-56 of the PPG and are supported. Where the PPG introduces a novel concept is in its advocacy of a sequential approach towards both housing allocation and development control. Table 1 of the PPG sets out Flood Risk Zones 1-3(a-c) for the purpose of defining appropriate planning responses for all forms of development. As far as can be judged, Zone 3 (High Risk) equates to the Policy G20 Flood Plain defined on the Proposals Map. Since this level of risk is set at 1% or greater, it is assumed that a 100-year return period flood is appropriate. Since the LPA state that this is based on the 1947 flood plain by the Environment Agency, this definition appears satisfactory, at least in the interim.

2.20.4 However, this does not address the problem of defining Zones 1-2, as advised by the PPG at paragraph 71. In practice, this will mean the definition of Zone 2 as the remainder of Wycombe District will be without annotation in Zone 3. In view of the timing of the definitive PPG advice and the need to consult the Environment Agency, it is not now expedient to hold up adoption of the Local Plan. The best course would seem to be to issue a map showing Zone 2 and the subdivisions (a-c) of Zone 3 as Supplementary Planning Guidance (SPG), quite obviously as a matter of some urgency. Since this SPG will be used for both development control and future housing allocation purposes, it would be best to reword both Policies G20 and G21 and their supporting text at this stage. The reason is that the eventual SPG will gain added force by being covered by adopted Local Plan Policies.

RECOMMENDATIONS

- GD/20/1 Insert new paragraph 2.67a to read:

2.67a Following the issuing of national planning guidance (PPG 25: Development and Flood Risk) in 2001, the area defined for the purposes of both Policies G20 and G21 on the Proposals Map should be regarded as only representing Zone 3 (High Risk (>1.0% annual risk of flooding)) as described in Table 1 of PPG 25. In due course, Supplementary Planning Guidance (SPG) will be issued in consultation with the Environment Agency. This will define both Zones 1-2 and also subdivisions (a-c) within the area subject at present to Policies G20 and G21. The relevant degree of restraint on development, redevelopment and intensification of existing land uses and the suitability of any remedial or preventative measures will be determined having regard to the advice set out in PPG 25.

- GD/20/2 Modify Policy G20(1) to read:

(1) AREAS AT MOST RISK FROM FLOODING ARE DEFINED ON THE PROPOSALS MAP IN ACCORDANCE WITH THE ADVICE OF THE ENVIRONMENT AGENCY AND OTHER RELEVANT BODIES. AREAS AT BOTH GREATER OR LESSER RISK WILL BE DEFINED IN SUPPLEMENTARY PLANNING GUIDANCE. ALL DEVELOPMENT, REDEVELOPMENT OR INTENSIFICATION OF EXISTING LAND USE WITHIN THE PRESENT OR FUTURE DEFINITIONS OF FLOOD RISK MAY BE REFUSED PERMISSION UNLESS THE PROPOSED DEVELOPMENT CAN SHOW THAT IT WOULD NOT, OF ITSELF, OR IN CONJUNCTION WITH OTHER KNOWN OR AUTHORISED DEVELOPMENT:

[insert criteria (i-v) as (a-e) in the deposited version]

- GD/20/3 Modify Policy G21 to read:

POLICY G21

PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT OR REDEVELOPMENT THAT WOULD RESULT IN AN INCREASED FLOOD RISK, DUE TO ADDITIONAL AND UNIMPEDED SURFACE WATER RUN-OFF, DOWNSTREAM OF THE PROPOSED DEVELOPMENT, HAVING REGARD TO THE VARIABLE DEFINITION OF RISK AREAS WHICH MAY BE DEFINED FOR THE PURPOSES OF POLICY G20.

G21A AND G22 SURFACE AND GROUNDWATER PROTECTION [RELATED POLICIES]

The Objections

0595/14	Berks, Bucks & Oxon Wildlife Trust
0922/12	House Builders Federation
1193/6	<i>Environment Agency</i>
1193/11	<i>Environment Agency</i>

Summary of Objections

- (a) Paragraph 2.69 should make it clear that whilst the encapsulation of contaminated material may be acceptable in certain circumstances, it is not appropriate in all cases.
- (b) Best Management Practices should be implemented as standard practice in any new development.
- (c) Policy should refer to new road schemes as major contributors to surface water run-off.
- (d) Groundwater quality issues will be of particular concern on the sites; Wycombe Marsh, Desborough Road, Queens Road (Shell Oil Terminal), Hughenden Avenue and others.

Inspector's Reasoning and Conclusions

2.22.1 The objection which relates to the disturbance of contaminated land and the reference in paragraph 2.69 is met by the insertion of the words 'in appropriate circumstances' in PIC 2/12. This would seem adequately to reflect the reality of the situation and is endorsed. The 'Best Management Practice Guide' being prepared by the Environment Agency is referred to in the supporting text and its guidance will no doubt be best explained to developers when they

consult the Agency, as advised in paragraph 2.70. The Policies are directed towards the physical protection of surface and groundwater during the initial stages of planning, approving and implementing development proposals. They are not essentially concerned with continuing management of surface water and any such obligation would seem to run counter to the advice of paragraph B14 of DoE C1/97. For these reasons, specific reference to the Best Management Practice Guide and to future maintenance requirements should be confined to the supporting text.

2.22.2 No doubt it is perfectly correct to say that new road schemes contribute much to the problem of impermeability and the shedding of rainwater. However, schemes that are brought forward by the local highway authorities are generally sanctioned under powers other than the Town and Country Planning Acts. It must be assumed that these authorities will have increasing regard to necessary measures to restrict and to attenuate run-off in extreme conditions. Road schemes that are integral (or ancillary) to development proposals will be the subject of planning control. Policies G21A and G22 will naturally apply to road-building of this sort, just as they would to any form of operational development. There would seem to be no point in qualifying the legally-defined word 'development' in either Policy. The word 'attenuate' in Policy G22 is here used as a transitive verb and hence detailed changes in wording would be grammatically necessary.

2.22.3 The HBF objection is understood but it is difficult to see how best practice in sustainable urban drainage systems can be enjoined in a land use policy. As the LPA point out, these systems are evolving and any requirements will usually derive from Environment Agency development briefing and will not be a direct land use planning requirement, although future conditions may be applied to permissions on the strength of the Agency's specification of measures. The Environment Agency helpfully identify possible problem development sites but the LPA's view is accepted: these are in the nature of comments rather than objections. In any event, given the scope and currency of the Local Plan, it would appear unreasonable to identify specific sites where specific contamination remedial measures may or may not be required on the advice of the Agency.

RECOMMENDATIONS

- GD/22/1 Modify paragraph 2.69 as proposed by PIC 2/12.
- GD/22/2 Modify the last three lines of Policy G22(a) to read:
'...MEASURES TO ATTENUATE THEM AND TO DISPOSE OF WATER IN ACCORDANCE WITH BEST PRACTICE WILL BE REQUIRED.'

G23 RENEWABLE ENERGY

The Objections

0137/2 The High Wycombe Society
0158/7 High Wycombe and Marlow Green Party

Summary of Objections

- (a) Policy fails to mention Combined Heat and Power Technology (CHP) eg waste energy from power stations' cooling systems which should be considered when planning business parks and industrial estates. Suggest 'combined heat and power (CHP) systems be inserted between 'conservation' and 'and/or' in the Policy statement.

Inspector's Reasoning and Conclusions

2.23.1 Policy G23 addresses two matters of planning concern; both the conservation of energy and its alternative generation. These may often be found in the same development proposal eg in energy-efficient housing where solar panels or photo-voltaic collectors either provide space or water heating or return electrical energy to the National Grid. Installation and use of such equipment is clearly in line with emerging Government policy regarding the use of renewable resources. Equally clearly, they are not matters that are the immediate subject of planning control except to the very limited extent that the equipment itself may need express consent and its potential may need safeguarding (see recommendations on Policy G9). Such development itself would be subject to the environmental and amenity constraints of Policy G23 (and indeed the advice of PPG22), in the same way as purely generation schemes eg wind farms or Combined Heat and Power (CHP) installations.

2.23.2 It is difficult to see how the LPA could positively urge the adoption of CHP technology. No doubt such schemes would be welcome and would be subject to the provisions of Policy G23. CHP schemes are commonly found in very high-density urban housing development or in association with large-scale electricity generating plant or are ancillary to centralised waste disposal facilities. These may indeed loom larger in future development proposals but seem unlikely short-term candidates for consideration in the largely rural and suburban environment of Wycombe District. Where planning control can legitimately and critically intervene in the field of energy conservation is in the siting, design, layout and (above all) orientation of new buildings, most especially housing. It is noted that the LPA intend to publish a Guidance Note on Sustainable Design. This is to be welcomed and, depending on future national and regional Planning Guidance, might possibly figure in an altered Policy G23 at the stage of Local Plan Review.

RECOMMENDATION

- GD/23/1 No modification.

G24 ADVERTISEMENTS AND SIGNS

The Objections

1584/43 The Marlow Group

Summary of the Objections

- (a) The Policy is inadequately administered with resultant visual clutter. Existing powers and pressures (sic) should be firmly exercised.

Inspector's Reasoning and Conclusions

2.24.1 The objection is directed at the past performance of the LPA with regard to Outdoor Advertisement Control (the subject of PPG19), with presumably particular reference to the urban area of Marlow. Given that this area includes a very sizeable conservation area and bearing in mind the advice of paragraphs 22-24 of the PPG, it may be that Policy G24 might usefully be strengthened with respect to conservation areas and listed buildings. However, it is fair to point out that the objection presumably relates to the perceived implementation of the

policies contained in the *adopted* development plan. No specific cases or examples of alleged failures or lapses of advertisement control are cited by the objectors. Site inspections in and around the conservation area in question generally failed to detect any outstanding examples of failure to impose the 'more exacting standards' referred to and implicitly enjoined by PPG19. The proposed change (PIC2/17) merely relates to an error in the formulation of Policy G24.

RECOMMENDATIONS

- GD/24/1 Modify Policy G24(1) in accordance with PIC2/17.
- GD24/2 Further Modify the first paragraph of Policy G24 to read:

(1) CONSENT WILL ONLY BE GIVEN FOR THE DISPLAY OF SIGNS OR ADVERTISEMENTS WHICH RESPECT BOTH THE INTERESTS OF PUBLIC SAFETY AND VISUAL AMENITY, AS ASSESSED IN THE CONTEXT OF THE GENERAL CHARACTERISTICS OF THE LOCALITY AND ANY FEATURES OF ARCHITECTURAL, HISTORIC, CULTURAL OR SPECIAL INTEREST WHICH IT MAY CONTAIN.

G25 DESIGNING FOR SAFER COMMUNITIES

The Objections

0173/10 Mr W J Whitehead

Summary of Objections

- (a) Requirements of the Policy are inadequate. Add: 'vehicular access should be limited in view of the dangers from vehicles from pollution and injury'. New development should be on a Radburn layout.

Inspector's Reasoning and Conclusions

2.25.1 The objection appears slightly out of place in that the purpose of Policy G25 is essentially to ensure that new development is designed with public safety and crime prevention in mind. It is not directly concerned with the avoidance or reduction of personal injury accidents caused by road vehicle traffic and its widespread lack of segregation from pedestrian movement. Air pollution from road vehicles is the subject of Policy G14 and pedestrian safety (to the extent that this is specifically addressed in the Local Plan) is the subject of Policies T1, T5 and T7 (see under these later headings). Nevertheless, the objector advocates the future adoption of 'Radburn' housing layouts generally in Wycombe District. Site inspections show that there are only isolated local examples. This suggestion has distinct public safety implications and needs to be dealt with under that heading.

2.25.2 Since the concept of a Radburn housing layout may now be unfamiliar to the general public, a word of explanation is needed. The idea of largely segregating pedestrians and motor cars first emerged in private housing development in Radburn, New Jersey (USA) in 1927. It was based on the idea of linking back gardens and communal open space with a continuous footpath system completely independent of the estate road layout. The idea was adapted and fairly widely used in British public-sector housing immediately after the war. The British variant was inverted in form, such that garage courts and car access were positioned *behind* dwellings with continuous open space and pedestrian areas *in front*. It was increasingly abandoned after

about 1965 as being very expensive to lay out, potentially conducive to street crime and highly confusing for visitors and delivery personnel. Its use would generally *not* conform to Policy G25 of the Local Plan.

2.25.3 The current widespread practice in Wycombe District, as elsewhere, is to arrange housing road layouts on a hierarchical basis, so that fast motor traffic avoids going through residential areas. Distributor and collector roads lead to isolated dead-end feeders, the ends of which are commonly arranged as 'shared surfaces' where pedestrians have implicit priority. The broad design approach to segregation is to ensure the easy permeability of residential areas so that people on foot enjoy shorter and more direct footpath connections whilst vehicle traffic is forced to make more circuitous journeys. This general concept derives from the 1963 Buchanan Report; current advice is contained in PPG13 (2001) and related publications such as DoE Design Bulletin 32 (1977 and 1992) and subsequent companion guides. The effect is to achieve some pedestrian segregation whilst avoiding the public safety hazards which were earlier perceived as a disadvantage of Radburn layouts with their largely hidden footpath networks.

RECOMMENDATION

- GD/25/1 No modification.

G26 ART IN THE COMMUNITY

The Objections

1584/44 The Marlow Group

Summary of Objections

(a) The Policy shows little evidence of the District Council's encouragement.

Inspector's Reasoning and Conclusions

2.26.1 As in the case of the objectors' misgivings regarding Policy G24, this objection seems to be based on allegedly poor performance by WDC in the past. Not only is the evidence for such a claim totally lacking in the representations made, the proper purpose of considering objections to a development plan is to review the latter's probable *future* effectiveness. There is little doubt as to the justification for such a policy. As the DETR publication 'By Design' (2000) points out (p26): 'Works of art and well-designed street furniture integrated into the design of public spaces give identity and enhance the sense of place'. Such advice is visibly reflected in recent pedestrianisation schemes in High Wycombe Town Centre. The burden of the Policy is to enjoy similarly high standards in any private-sector development which is either within or adjacent to the public realm and hence visible from it. It is notable that there are no other objections to G26.

RECOMMENDATION

- GD/26/1 No modification.

G27 TELECOMMUNICATIONS

The Objections

0134/1	Vodafone Limited
0353/1	Mercury Personal Communications Limited
0403/2	British Telecommunications PLC
1681/2	Cllr Mrs P Priestley

Summary of Objections

- (a) Policy has limited regard to special needs and technical problems of telecommunications development; requires amendment to comply with Government guidance in PPG8.
- (b) Requirement to remove masts when no longer needed, duplicates the Telecommunications Act and the General Development Order and should be deleted.
- (c) Reference to design and siting of sites is unnecessary. Operators are governed by planning guidance, a Telecommunications Code and licence conditions; further reference in the Local Plan is unnecessary.
- (d) Include a requirement for operators to present an overall scheme for the area, preferably on a 5-year plan. This would present a better picture and avoid the current piecemeal basis of dealing with applications [nb: representation 1681/2/G27 was earlier regarded by the LPA as an expression of support but is here treated as an objection].

Inspector's Reasoning and Conclusions

2.27.1 The particular physical characteristics and topography of Wycombe District combine to make the siting and design of telecommunications equipment somewhat difficult. Past installations and their prominence suggest that the general advice of PPG8 (1992) and the DoE Code of Best Practice (1996) need to be applied with special care. Much of the District is covered by the AONB designation and it is also roughly trisected by the lines of the M40 motorway and the Chiltern Railway which may be assumed greatly to concentrate user demand. These factors, together with the combination of hills and valleys, result in apparent tension between environmental considerations on the one hand and commercial demands and the limitations of available technology on the other. It is a reasonable assumption that most of the more suitable sites for apparatus have been already employed. Together with the continuing commercial demand for fuller network coverage, this may result in more contentious planning applications.

2.27.2 It is not necessary or indeed wise to quote or paraphrase the advice of PPG8. It is implicit in this published advice that LPAs will need to balance amenity considerations with those of technical feasibility. This precise degree of balance does not need to be explicitly stated in the Policy as the objectors would wish. Equally, the preferred siting criteria must obviously have regard to what is physically possible in specific cases. Prefacing the criteria with the word 'preferably' indicates that, as a general matter of policy, non-preferred locations or siting may exceptionally have to be authorised. Nevertheless, the wide extent of the AONB and other designations will mean in practice that such exceptions will be rare. The cost of developing sites, as the LPA state, would not seem to be a material consideration and its inclusion in the Policy is not supported by a reading of the PPG8 or C4/99 advice. Moreover, the LPA argue that full prior consultation by the intending operators is not as universal as the former might wish or national policy guidance might suggest.

2.27.3 The first two paragraphs of the Policy (which might with advantage be combined) fairly adequately set out the LPA's location policy. The objection that planning applications are commonly made piecemeal deserves particular attention. Paragraphs 21 and 28 of PPG8 indeed suggest that the onus is on operators adequately to inform the LPA of local network coverage when making an application. It is also suggested in the PPG that LPAs might wish to compile and maintain a register of all such applications, covering all operators (the LPA have indeed provided evidence on the outstanding telecommunications permissions). It is now technically feasible to construct detailed network coverage and quality of reception diagrams, usually on a hectometre (100 m) OS grid. These may be employed in the case of appeals against refusals of consent. There would seem to be every reason for their routine preparation when planning applications are made, especially where designated areas or the feasibility of site sharing are in contention. This might more appropriately be included in the supporting text but also be reflected in the Policy. A specific 5-year review or programme might be unduly restrictive.

2.27.4 The fourth and sixth paragraphs of the Policy seem to be respectively redundant and unworkable and ought to be deleted. The balancing of certain location criteria against operational efficiency is implicit in the PPG8 advice and need not be re-stated. The question of the removal of redundant or unwanted equipment might be made a condition of planning consent. However, that might in practice involve the routine granting of time-limited permissions. An alternative course of making it a condition of consent to remove unused equipment would fail the standard policy tests. That is to say, it would be imprecise and effectively unenforceable. As the objector points out, removal of equipment is now covered by the Code of Best Practice. The specific case of conditions imposed by the GPDO 1995 relates to permitted (Class A(a) and (c)) development and not to development requiring express authorisation under Policy G27. The problem of redundant equipment and its replacement might more expediently be handled by planning obligation or legal agreement between operators and LPA; it does not seem to call for specific policy backing in the Local Plan.

RECOMMENDATIONS

- GD/27/1 Modify paragraph 2.86 to read:

'The detailed siting of telecommunications equipment should satisfy the criteria set out in Policy G27. The District Council will require evidence to demonstrate that the sharing of sites or masts or alternative location on high buildings or structures have been investigated. Developers will be expected to demonstrate how each proposal relates to the operator's own network coverage and any available equipment. Such information on existing coverage and the authorised locations of all installations will be recorded by the Council and be available for public inspection. If it is not feasible to share an existing or authorised mast, site or tall structure, tree screened locations may be the least objectionable. In all cases, opportunities to use existing natural or artificial screening should be taken and, if necessary, extended site areas and adequate landscaping and planting provided.'

- GD/27/2 Modify Policy G27 be modified to read:

(1) TELECOMMUNICATIONS INSTALLATIONS SHOULD IN ALL CASES BE DESIGNED AND SITED SO AS TO MINIMISE ANY ADVERSE IMPACT UPON THEIR SURROUNDINGS. IN AREAS OR SITES WHICH HAVE BEEN DESIGNATED FOR THEIR LANDSCAPE, HISTORIC OR NATURE CONSERVATION IMPORTANCE, INCLUDING THE CHILTERN'S AONB, APPLICANTS WILL NEED TO DEMONSTRATE, WITH PARTICULAR REFERENCE TO EXISTING SYSTEMS AND CURRENT NETWORK COVERAGE AND PERFORMANCE, WHY A SITE OUTSIDE SUCH AREAS

CANNOT BE USED. IN ASSESSING SUCH PROPOSALS, SPECIAL REGARD WILL BE GIVEN TO THE PROTECTION OF THE DESIGNATED AREA'S SPECIAL CHARACTER.

(2) ANY NEW OR ADDITIONAL TELECOMMUNICATIONS EQUIPMENT WILL PREFERABLY BE SITED OR INSTALLED AS FOLLOWS:

- (a) WHERE THE AMENITIES OR ENJOYMENT OF ADJACENT RESIDENTIAL PROPERTIES WOULD NOT BE ADVERSELY AFFECTED; AND,
- (b) WHERE EXISTING SCREENING OR CONCEALMENT IS EITHER AVAILABLE OR WOULD BE PROVIDED AS A RESULT OF DEVELOPMENT; OR,
- (c) WHERE EXISTING TELECOMMUNICATIONS SITES OR INSTALLATIONS EXIST OR HAVE BEEN AUTHORISED; AND,
- (d) WHERE NEW MASTS ARE NEEDED, THEY SHOULD BE SITED NEAR TO EXISTING TALL STRUCTURES OR BE SCREENED BY WOODLAND.

(3) WHERE NEW FREE-STANDING OR ISOLATED MASTS OR TOWERS ARE PROPOSED, APPLICANTS SHOULD DEMONSTRATE THAT THE ALTERNATIVE OF SHARING EXISTING OR PREVIOUSLY AUTHORISED SITES OR STRUCTURES HAVE BEEN ADEQUATELY EXPLORED AND FOUND TO BE IMPRACTICABLE.

G28 GENERAL POLICY OMISSIONS

The Objections

0158/89	High Wycombe and Marlow Green Party
0367/2	Highways Agency
0840/15	Marlow and District Chamber of Trade & Commerce
1193/12	Environment Agency
1260/21	The Marlow Society

Summary of Objections

- (a) Lost opportunity to promote and encourage more sustainable forms of energy supply ie solar panels and consequently a requirement for south facing roofs to maximise solar gain.
- (b) Object to the omission of a policy listing the general conditions that must be met for all development if it is to proceed.
- (c) A policy is required that states 'traffic generated by the proposed development does not compromise the safety and free flow of traffic or the safe use of the road by others'.
- (d) There should be an additional policy statement that the needs of each community will be addressed and resolved within the community.

- (e) A policy that states that the LPA would not permit development which may have an adverse impact on the quality of water supplies and resources, both surface and groundwater. Also for the LPA to show support for improvements to water quality.
- (f) Object to the omission of Policies G10-G14 from the version of the Plan considered by the June 1998 Planning Committee. Policy G11 could have been amended to ensure that the alternative use of private garages does not prevent the parking of cars. The sub-text of omitted Policy G13 'the use of an estate road as an alternative will not normally be acceptable' should be incorporated into the main text.

Inspector's Reasoning and Conclusions

2.28.1 It is not the proper function of a development plan to urge specific, if worthy, aspects of sustainability, such as the use of solar energy for space or water heating. Such measures are generally welcome but are much more susceptible to considerations of domestic economy or fiscal encouragement than planning control. The careful orientation of buildings for passive solar energy gain is now recognised as good practice but it is doubtful whether detailed development control policies could universally, properly or reliably ensure such layout or block spacing characteristics. No doubt the LPA will give advice and encouragement to developers, either informally or through the future publication of detailed design guidance. The policy framework for the control of development involving energy conservation or alternative forms of generation is contained in Policy G23 and there is every reason to suppose that the LPA will apply this Policy flexibly and sympathetically in future.

2.28.2 It is not possible or appropriate to include a single overall Policy outlining all the many limitations on or requirements for future development in Wycombe District. As the LPA point out, that is the purpose of Chapter 2 of the Plan, which is necessarily broken down into component policies, for ease of reference if nothing else. The suggested policy on traffic generation and road safety is included in Chapter 7 and in particular Policy T1(4). The question of making each 'community' self-sufficient and autonomous as regards needs and provision sounds ominously like a means of diverting all new development away from established areas out of deference to the views of their existing residents. This implicit suggestion has already been dealt with under Policy G1 and was rejected as being essentially contrary to the need to conserve land and to restrict rural and urban greenfield development. It also begs the vexed question of how, objectively and unambiguously, to define such local 'communities'.

2.28.3 The objection relating to surface and groundwater protection is met by the changes to the supporting text and wording of Policy 21A as a result of PIC 2/13 which was earlier endorsed. The suggestion that restrictions be placed on garage conversion is the proper subject of Chapter 7 and Transport Policies generally. Such conversions are capable of future control by means of conditions imposed on permissions for residential development. It is not possible retrospectively to impose such restrictions. The alternative use and conversion of garages is generally authorised by the provisions of the current GPDO. It is probably the gradual imposition of controlled parking zones (CPZs) in established residential areas, the continued growth of car ownership and the general reduction in overall parking provision (as advised in PPG13) which will act as a severe disincentive to the future conversion and loss of parking spaces within existing residential property. A specific Policy accordingly seems unnecessary.

RECOMMENDATION

- GD/28/1 No modification.