



BUCKINGHAM TOWN COUNCIL

TOWN COUNCIL OFFICES, BUCKINGHAM CENTRE,
VERNEY CLOSE, BUCKINGHAM. MK18 1JP

Telephone/Fax: (01280) 816 426

Email: Townclerk@buckingham-tc.gov.uk
www.buckingham-tc.gov.uk

Town Clerk: Mr. P. Hodson

Wednesday, 27 January 2021

PLANNING
COMMITTEE

Councillor,

You are summoned to a meeting of the **Planning Committee** of Buckingham Town Council to be held on Monday 1st February 2021 at 7pm online via Zoom, Meeting ID 871 2899 7691.

Residents are very welcome to ask questions or speak to Councillors about any matter relevant to the meeting at the start of the meeting in the usual way.

Please email committeeclerk@buckingham-tc.gov.uk or call 01280 816426 for the password to take part.

The meeting can be watched live on the Town Council's YouTube channel here:
<https://www.youtube.com/channel/UC89BUTwVpjAOEIdSlfcZC9Q/>

Mr. P. Hodson
Town Clerk

Please note that the meeting will be preceded by a Public Session in accordance with Standing Order 3.f, which will last for a maximum of 15 minutes, and time for examination of the plans by Members.

AGENDA

1. Apologies for Absence

Members are asked to receive apologies from Members.

2. Declarations of Interest

To receive declarations of any personal or prejudicial interest under consideration on this agenda in accordance with the Localism Act 2011 Sections 26-34 & Schedule 4.

Buckingham



Twinned with Mouvaux, France;



Neukirchen Vluyn, Germany



Members are reminded when making decisions that the Public Sector Equality Duty 2010 requires Members to have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act, advance equality of opportunity between people who share a characteristic and those who don't, and to foster good relations between people who share a characteristic and those who don't.

All Committee documents can be found on the Buckingham Town Council's website. Alternatively, the Clerk send you a copy of any minutes, reports or other information. To do this, send a request using the contact details set out above.

3. Minutes

To receive the minutes of the Planning Committee Meeting held on Monday 18th January 2021 to be put before the Full Council meeting to be held on Monday 15th March 2021.

[Copy previously circulated](#)

4. Buckingham Neighbourhood Plan/Vale of Aylesbury Plan

To discuss the responses to the VALP Further Main Modifications consultation collated by the Clerk and agree a response

[Appendix A](#)

5. Action Reports

5.1 To receive action reports as per the attached list.

[Appendix B](#)

5.2 (724.2 HGV Routes) to receive as requested the HS2 transport route maps

Godington - Brackley

[Appendix C](#)

Aylesbury – Mixbury

[Appendix D](#)

5.3 (851/20) Cllr. Harvey to report any response to his FoI request on Walnut Drive.

6. Planning Applications

For Member's information the next scheduled Buckinghamshire Council – North Buckinghamshire Planning Area Committee meetings are on Wednesdays, 10th February and 10th March 2021 at 2.30pm. Strategic Sites Committee meetings are the following day at 2pm.

To consider a response to planning applications received from Buckinghamshire Council and whether to request a call-in

A briefing note from the Clerk is attached

[Appendix E](#)

1. [21/00050/APP](#) 25 London Road, MK18 1AR
Demolish outhouse/shed. Erection of a two-storey part single-storey rear extension.
Le

The following two applications may be considered together:

Michael Graham Estate Agents (Buckingham) Ltd., 4-5 Bridge Street, MK18 1EL

2. [21/00095/ALB](#) Removal of existing signage and replacement business signage
3. [21/00116/AAD](#) Illuminated business sign
Hill [Tuckley Chester Design Ltd.]

4. [21/00130/APP](#) Land at Manor Farm East of Buckingham, MK18 7DS
Installation of a solar park to export up to 12MW (AC) electricity, comprising up to 38,000 photovoltaic cells, 12 inverter/transformer cabins, a single control building and associated works
Peacock [Wessex Solar Energy Ltd]

Not for consultation

5. [20/00155/ACL](#) 15 Market Square, MK18 1NW
Application for a Lawful Development Certificate for the proposed use of ground floor and first floor as medical consulting rooms (Use Class E)
Godagama

7. Planning Decisions

No Planning decisions have been notified since the last agenda.

8. Buckinghamshire Council Members

8.1 To receive news of Buckinghamshire Council new documents and other information from Council Members present

8.2 To discuss applications to be called-in, as decided above, and which Buckinghamshire Councillor wishes to volunteer for this

8.3 An updated list of undecided **OPPOSE & ATTEND/CALL-IN** applications is attached for information [Appendix F](#)

9. Buckinghamshire Council Committee meetings

9.1 N. Bucks Area Planning Committee (13th January 2021) *No Buckingham applications*

9.2 Strategic Sites Committee (14th January 2021) *Cancelled*
Agendas for the February meetings are not available at time of publication.

10. Consultations

10.1 **Supporting housing delivery and public service infrastructure.** To receive for information the response filed by the due date (28th January 2021) [Appendix G](#)

10.2 **Right to Regenerate (closing date 13th March 2021)** To receive information on a new Government Consultation, and discuss and decide whether to participate. [Appendix H](#)

11. HS2 – E-W Rail presentation 18th January 2021

To receive a verbal report from Cllr. Hirons

12. Enforcement

To report any new breaches

13. Applications to fell trees

To note there are no updates to the list since last meeting

14. Matters to report

Members to report any damaged, superfluous and redundant signage in the town, access issues or any other urgent matter.

15. Chairman's items for information

16. Date of the next meeting: Monday 22nd February 2021 following the Interim Council meeting

To Planning Committee:

Cllr. M. Cole JP (Vice Chairman)

Cllr. G. Collins (Town Mayor)

Cllr. J. Harvey

Cllr. P. Hirons

Cllr. A. Mahi

Cllr. Mrs. L. O'Donoghue (Chairman)

Cllr. A. Ralph

Cllr. R. Stuchbury

Cllr. M. Try

Mrs. C. Cumming (co-opted member)

976/20

Vale of Aylesbury Plan – Further Main Modifications Consultation

	Applies to:	Changes	Draft response
FMM003	Whole plan	Update total housing growth in Buckingham from 2,166 to 2,177	More houses but no improvement in transport infrastructure
FMM006	Whole plan	Update total housing growth in Winslow from 897 to 870	Reduction of 3% though East-West Rail link will be operational within the Plan period
FMM059	Policy BUC043 (Moreton Road Phase III)	Expected time of delivery No 110 homes to be delivered 2018-2023 2020-2025 and 130 20 homes to be delivered 2024-2033 2025-2033 Site-specific Requirements Criterion j - A foul water strategy is required to be submitted to and approved in writing by the council <u>following consultation with the water and sewerage undertaker.</u>	This site is not included in the Buckingham Neighbourhood Plan for good reasons, and has already been rejected by the Secretary of State. It is noted that the current planning application was validated on 11 th February 2020 and is as yet undecided. A storm water strategy to prevent run-off from flooding the town centre should also be required.
FMM060	D-BUC046 Land off Osier Way	Expected time of delivery 150 130 homes to be delivered 2018-2023 2020-2025 and 270 290 homes from to be delivered 2024-2033 2025-2033	This site is not in the Buckingham Neighbourhood Plan for residential development, being separated from the town by the bypass and the Industrial Parks. No infrastructure beyond play areas is proposed, and together with the site to the northwest adds 800+ houses to an area of town with no schools or other community-building amenities whatever. The current application, as yet undecided, was validated on 15 th January 2019.
FMM072	Policy D-MMO006 Land east of Walnut Drive and west of Foscode Road	Expected time of delivery 405 65 homes to be delivered 2018-2023 2020-2025 and 65 105 homes to be delivered 2023-2033 2025-2033 a. Provision of <u>at least</u> 170 dwellings at a density that takes account of the adjacent settlement character and identity and the edge of countryside location	170 dwellings is far too many for a small village with almost no amenities. It is noted that the planning application description and the draft s106 agreement both say “up to 170 dwellings”, and the change in this document to “ <u>at least</u> 170” without separate consultation with the residents and their agreement is underhand to say the least.
FMM103	Policy I4 Flooding	Flood risk assessments d. provide level-for-level	Buckingham Town Council would like to point out that the

	<p>floodplain compensation and volume-for-volume compensation, up to the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change, unless a justified reason has been submitted and agreed which may justify other forms of compensation</p> <p>e. ensure no increase in flood risk on site or harm to third parties elsewhere, such as downstream or upstream receptors, existing development and/or adjacent land, and ensure there will be no increase in fluvial and surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event, <i>Add additional criterion after 'k':</i></p> <p>l. include detailed modelling of any ordinary watercourses within or adjacent to the site, where appropriate, to define in detail the area at risk of flooding and model the effect of climate change</p> <p><i>Change following criteria references from 'l-v' to 'm-w'</i></p> <p>Sustainable drainage systems (SuDS)</p> <p>All development proposals must adhere to the advice in the latest version of the SFRA and will:</p> <p>m.n. Ensure development layouts are informed by drainage strategies incorporating SuDS and complete site specific ground investigations to gain a more local understanding of groundwater flood risk and inform the design of sustainable drainage components</p> <p>Climate change</p> <p>v.w. Compensation flood storage would need to be</p>	<p>town experienced severe flooding in 1998, 2007 and 2020 which amounts to approximately 10% probability, in addition to regular lighter floods.</p> <p>No compensation measures as described have been mooted and yet new sites as above at FMM059 and FMM060 are proposed which will increase surface run-off and affect the dwellings and businesses in the valley below.</p> <p>Houses in the first phase at Moreton Road (FMM059 is the third phase) suffered from surface water flooding shortly after occupation. A stream flows through the FMM060 site. There are active springs in all the hills surrounding the town.</p> <p>Calculations based on 1/100 year events are inadequate.</p>
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Appendix A

		provided for the built footprint as well as any land-raising within the 1 in 100 plus appropriate climate change flood event. This compensation would need to be demonstrated within a Flood Risk Assessment (FRA).	
Transport Strategy			
Buckingham Transport Strategy	Buckingham Route upgrades on A421 and A413 <u>Route upgrade on the A421 and A413 to dual – 2 lane standard (between Radcliffe Road roundabout and A421/A413 roundabout (east))</u>		And west of the Radcliffe Road? Surely alternating between one and two lane sections raises safety concerns; it should be two-lanes all the way to the Tingewick bypass.
	Buckingham Left turn slip at A422/A413 Stratford Road roundabout		Members noted that the timing had been deleted, and the 'Necessary' status, and pointed out that the left turn lane already exists
	<i>Bypass extension to A422 west of town</i>		Members noted that this was no longer listed.
Affordable Housing			
	<i>Members remind the LPA that representations on this matter were not heard by the Examiner due to time pressures. Nor is there any indication in the FMM document that any revision of the original proposition has taken place, or that any change is proposed given the different housing needs and work patterns following the disruption of the Coronavirus outbreak. Presumably the LPA's own Plan will look for a co-ordinated system for the whole County, and Members would be interested to learn whether VALP is to lead the way on this.</i>		

Regular actions

Minute	Actions	Minute	News Releases	Date of appearance
978/20	3 via Parish Channel 1 Trees via Comments tab	856/20	Conservation of trees in town - National Tree Planting Week (combined with release from Tree subgroup & Environment C'ttee)	

Other actions

Subject	Minute	Form	Rating √ = done	Response received
Buckinghamshire Council				
Moreton Rd Temp Crossing	304/20	Ask about survey	√	
Town & Parish Charter	722/20	Town Clerk to circulate when available	√	Report to Full Council 25th January 2021 (BTC/103/20)
Walnut Drive	851/20	Request to be involved in s106 consultations Town Clerk to query Strategic Sites Committee not North Bucks Area Committee Cllr Harvey to report back on Fol result	√	Agenda 5.3
Planning policy	852.2	Town Clerk to ask about revisions to policy		
Constitution consultation	925.2	Town Clerk to ask about time-frame		
VALP Main Modifications consultation	976/20	Members' views to be rationalised into responses	√	See agenda 4
Call-in requests				
Call-ins	980.2/20	19/00902/ADP	√	Cllr.Stuchbury has confirmed acceptance
Enforcement reports and queries				
Page Hill	857/20	Unauthorised encroachment onto public land?	√	(983.3) Request for update on 16 Hilltop Avenue made, new photo sent.

ACTION LIST

Appendix B

Subject	Minute	Form	Rating √ = done	Response received
		Cllr. O'Donoghue to obtain addresses		
Well St. bollard	857/20	Replacement of 'temporary' (Feb.20) bollard	√	
Neighbourhood Plan Review				
Other:				
Surgery applications	40/20 762.1/20	Town Clerk to investigate whether North End and Verney Close surgeries can be designated Community Assets Environment Committee to set up meeting with Swan Practice		Town Clerk's report at agenda 5.3 Verbal update agenda 5.1
Litter	723.4	All Members to encourage public to act		
HGV routes	724.2	Obtain maps used in presentation	√	E-W Rail received; HS2 attached at Agenda 5.2
Vehicle parked on roundabout	930/20	Send previous reports to Cllr. Stuchbury	√	
Gov't consultation	982/20	Collate responses and send	√	
Trees in the river	983.1/20	Referred to Town Clerk/ Estates Manager for action		
Cornwalls Meadow car park	983.2/20	Request formalisation of desire line by bridge	√	
Sign by Prezzo	985/20	Request removal of sign for temporary crossing	√	

[Back to AGENDA](#)

Keeping you informed

We are committed to keeping you informed about work on HS2. This includes ensuring you know what to expect and when to expect it, as well as how we can help.

Residents' Charter and Commissioner

The Residents' Charter is our promise to communicate as clearly as we possibly can with people who live along or near the HS2 route.

www.gov.uk/government/publications/hs2-residents-charter

We also have an independent Residents' Commissioner whose job is to make sure we keep to the promises we make in the Charter and to keep it under constant review. Find reports at:

www.gov.uk/government/collections/hs2-ltd-residents-commissioner

You can contact the Commissioner at: residentscommissioner@hs2.org.uk

Construction Commissioner

The Construction Commissioner's role is to mediate and monitor the way in which HS2 Ltd manages and responds to construction complaints. You can contact the Construction Commissioner by emailing: complaints@hs2-cc.org.uk

Property and compensation

You can find out all about HS2 and properties along the line of route by visiting:

www.gov.uk/government/collections/hs2-property

Find out if you're eligible for compensation at:

www.gov.uk/claim-compensation-if-affected-by-hs2

Holding us to account

If you are unhappy for any reason you can make a complaint by contacting our HS2 Helpdesk team. For more details on our complaints process, please visit our website:

www.hs2.org.uk/how-to-complain

Reference Number: 1MC12-EKF-IN-NTE-CS09-000002

High Speed Two (HS2) Limited, registered in England and Wales.
Registered office: Two Snowhill, Snow Hill Queensway, Birmingham B4 6GA.
Company registration number: 06791686. VAT registration number: 181 4312 3

Contact Us

Contact our HS2 Helpdesk team all day, every day of the year on:

 Freephone **08081 434 434**

 Minicom **08081 456 472**

 Email **hs2enquiries@hs2.org.uk**

Write to:

**FREEPOST
HS2 Community Engagement**

Website www.hs2.org.uk

To keep up to date with what is happening in your local area, visit: www.HS2inyourarea.co.uk

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Traffic Information Guide

Godington to Brackley | Winter 2020

High Speed Two (HS2) is the new high-speed railway for Britain. We have committed to create a low carbon railway that is designed, built and operated to the highest health, safety and security standards.



About this guide

This traffic guide will give you details of how construction traffic is going to be managed in your area. Take a look at the routes that we plan to use between Godington and Brackley, along with our forecasted peak delivery numbers. You can gain an overview of the control measures that are in place across the whole HS2 route, as well as specific local actions, such as junction improvements and crossings.

About EKFB

EKFB is the main works contractor carrying out the civil engineering works for the new HS2 line in this area. EKFB will undertake all earthworks and landscaping as well as create new structures including bridges, viaducts and green tunnels. The construction works are being planned in a way that will minimise disturbance on local roads and access between villages. You can find details in this guide.

HS2's Site Working Hours

Normal working hours:
Monday to Friday
8.00am - 6.00pm
Saturdays
8.00am - 1.00pm

Contractors may be on site for one hour's start-up and shutdown either side of these times and construction traffic might also be present during these times.

In some cases, work outside normal hours may take place, and we will inform communities when this occurs.

Construction traffic and worker cars may arrive earlier and depart after the working hours.

HS2 and the role of the Highways Authority in highway matters

The HS2 Act of Parliament provides HS2 Ltd and their contractors with the powers to work in the highway to construct the new railway. The responsibilities that councils have for HS2 works differ slightly from other highways work. In all cases, the local Highway Authority is consulted and in certain cases, the consent of the highway authority is required. HS2 Ltd and their contractors produce Local Traffic Management Plans and work very closely with the councils and their highways teams to ensure that traffic is well managed. HS2 Ltd is only required to seek consent on traffic routes for vehicles over 7.5 tonnes. Further information can be found in the HS2 Act or see details for the HS2 Helpdesk on the back of this Guide.



HS2 Safety and Environmental Standards

HS2 Ltd has set out high standards for HGV safety measures that reflect industry best practice. These measures set the standards for aspects such as mirrors, audible warnings and vehicle signage. HGVs will be Euro 6 compliant, which means that the vehicles will meet low emission standards.

Did you know...

Fleet operators must be as a minimum Fleet Operation Recognition Scheme (FORS) Bronze and working towards Silver.

FORS is a voluntary quality scheme, which aims to raise the quality of HGV fleet operations.



Driver training

Drivers regularly working on the HS2 project will undertake the HS2 Professional Driver Course, a bespoke course set up by HS2 with a strong emphasis on risks in rural areas to vulnerable road users

Emergency Services

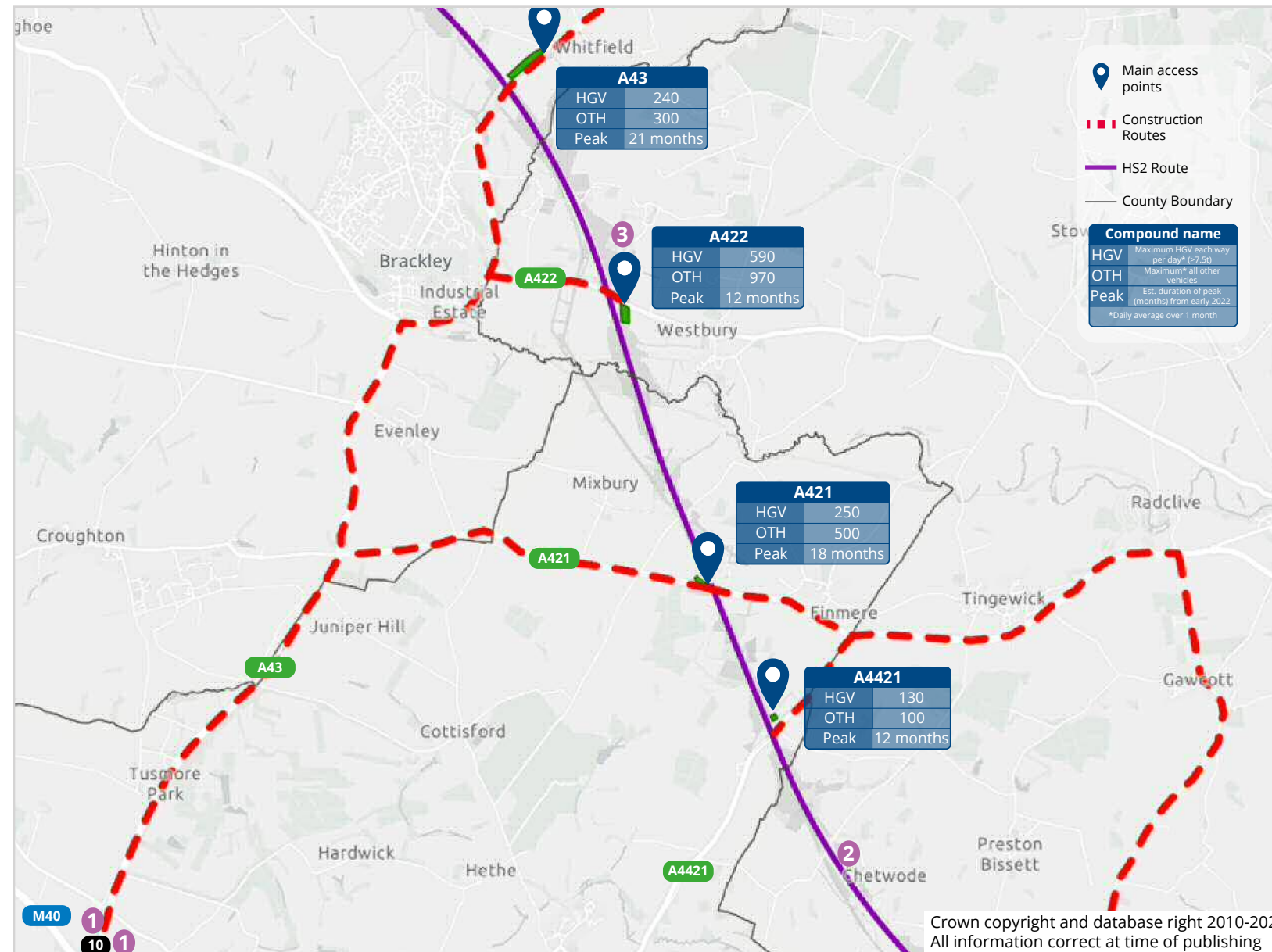
An agreed crisis management plan will be in place, developed with the emergency services.

Coordinating work

Traffic meetings take place regularly and involve traffic specialists from HS2 Ltd, contractors, emergency services and highways authorities in order to coordinate traffic plans.

Construction traffic routes between Godington and Brackley

The map below shows the HS2 route between Godington and Brackley. You can see the proposed construction traffic routes as well as an indication of the forecast average peak number of deliveries to each site per day. EKFB is constructing a new temporary road along the route of the new railway so when vehicles reach the main access points they will travel up or down this temporary road to their destination. Bulk earthworks will also be moved along the route via a haul road to avoid transporting materials along the main local road network.



Managing HS2 Vehicles

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Traffic terms explained

HGVs, or Heavy Goods Vehicles, are vehicles that weigh over 3.5 tonnes.

OTH stands for other vehicles. This includes all vehicles under 7.5 tonnes.

Peak this is the number of months in which we anticipate the traffic volumes will be highest.

Local controls

These measures are specific to the area between Godington and Brackley. They describe local controls or mitigation measures we will take. The map shows the routes and indicates our forecasted delivery numbers.

The map identifies three local control measures:

- 1 Traffic assessments of the M40 Junction 10 and surrounding roads is taking place to identify whether any changes are needed to accommodate the increased HS2 traffic.
- 2 We do not intend to use the minor road into Chetwode to carry out construction activity. We will construct a temporary road along the route of the new railway that connects with the A4421.
- 3 This location will be our main point of access for the area shown on the map. The internal access road along the route of the new railway will be used in order to reduce vehicles using the local road network as much as possible.



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Traffic Information Guide

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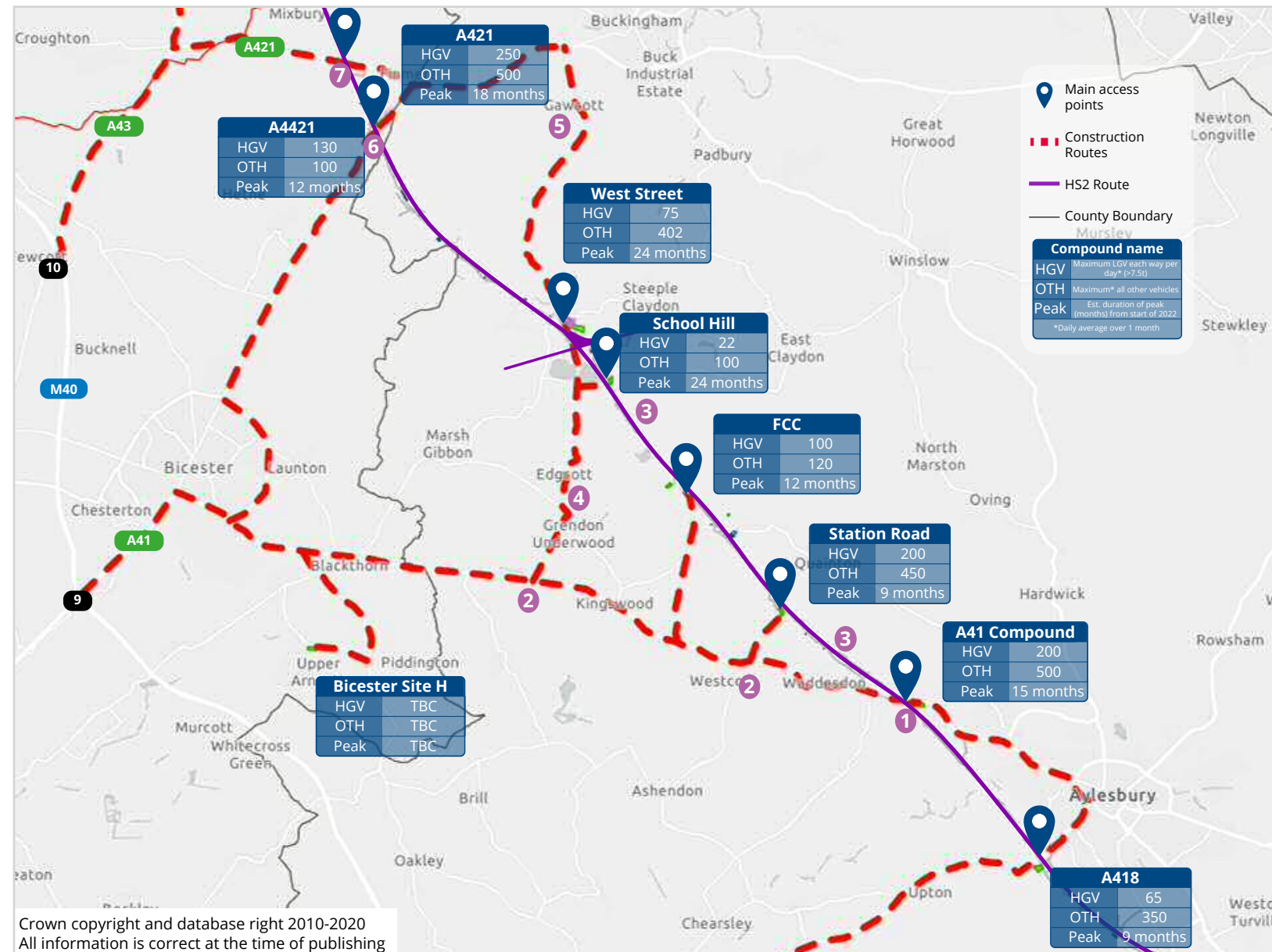
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Local controls

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The map identifies seven local control measures:

- 1 The A41 Compound will be used as the primary point of access for the area south of Calvert, reducing vehicles through Aylesbury.
- 2 Fusion are carrying out two junction improvement works along the A41 as part of the enabling works.
- 3 Opportunity to use rail to import material in these locations which will reduce the requirement of using the local highway.
- 4 This route passes St Leonard's Church and we are engaging with the church to minimise disruption to their services.
- 5 Buckingham Road will not be used by EKFB as a construction route to avoid the school in this location. Traffic control measures will be used on Radclive Road.
- 6 We will be using our Internal Access Road from here to access the area to the south as far as Calvert.
- 7 We plan to use MOD Bicester as a logistical hub location to reduce vehicle movements directly to site.



For the best readability, please print this guide on A3 paper

PLANNING COMMITTEE

MONDAY 1st FEBRUARY 2021

Contact Officer: Mrs. K. McElligott, Planning Clerk

Additional information on Planning Applications

1. **21/00050/APP** 25 London Road, MK18 1AR
Demolish outhouse/shed. Erection of a two-storey part single-storey rear extension.
Le

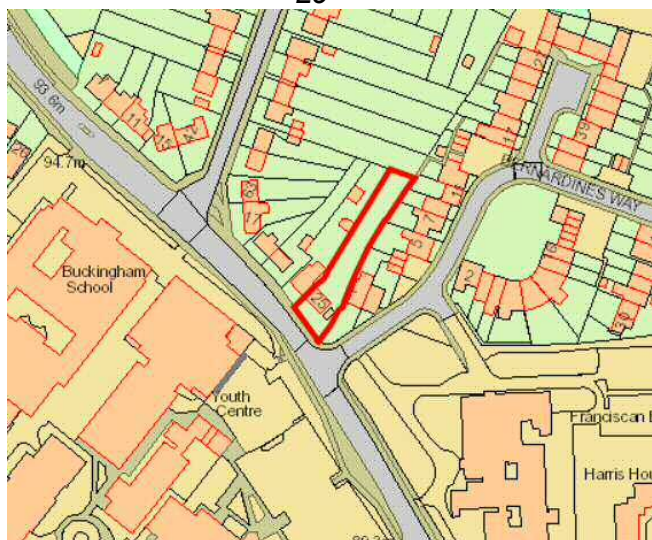


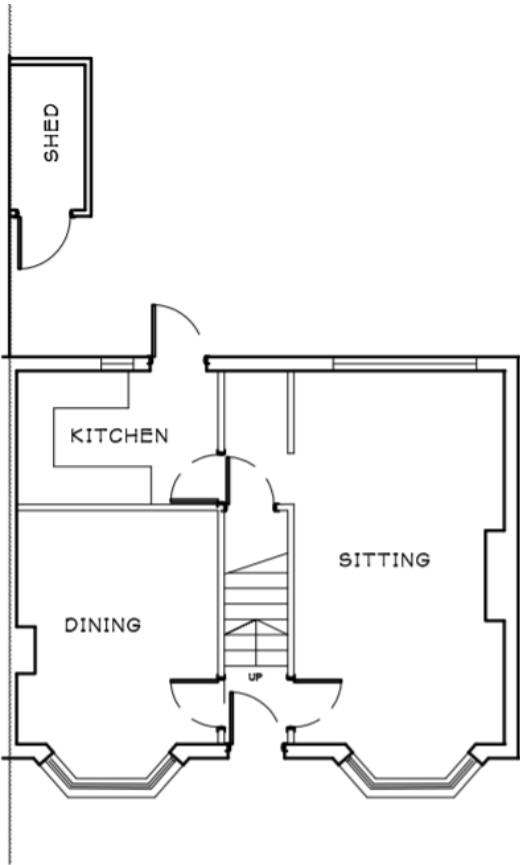
Photo of rear of house & shed (submitted by applicant)

Planning History

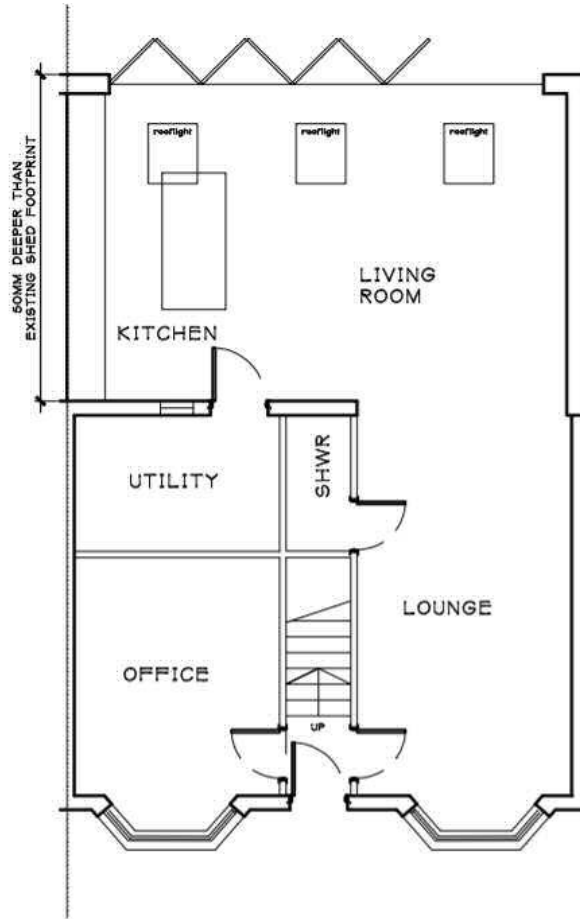
1	85/00757/AV	USE AS STUDENT RESIDENCE AS LONG AS THESE PREMISES ARE OCCUPIED BY THE UNIVERSITY OF BUCKINGHAM OF SOME OTHER BODY ASSOCIATED WITH THE UNIVERSITY FOR THE PROVISION OF STUDENTS LIVING ACCOMMODATION	Approved (expired 31/3/88)
2	21/00050/APP	Demolish outhouse/shed. Erection of a two storey part single storey rear extension	Pending Consideration

The site is a semi-detached house on London Road, opposite The Buckingham School and adjacent to the first house on Bernardines Way. It has a very long garden that runs behind 1 – 11 Bernardines Way, a detached brick garage beside the house and a small lean-to brick shed against the common boundary with No. 23 about 2m from the house wall.

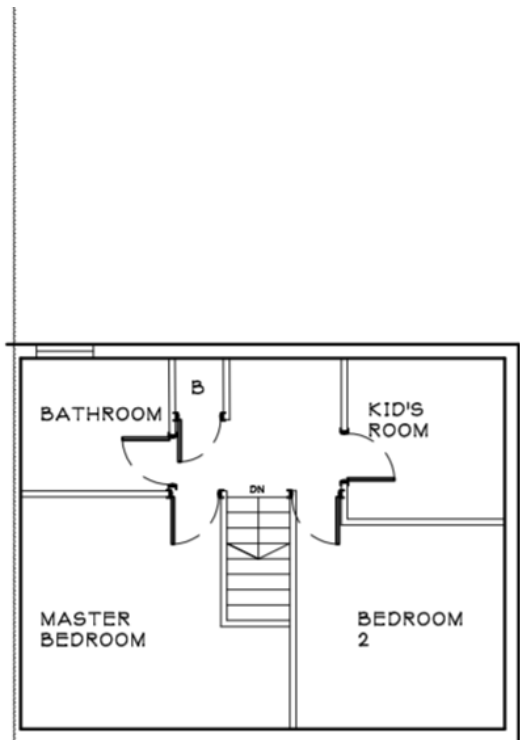
It is proposed to demolish the shed and extend backwards over the full width of the house to form a new kitchen and living-room with folding doors to the garden; the existing kitchen will become a utility room and the dining room an office. A shower room is also to be installed. The single storey part will have an L-shaped flat roof with 3 skylights. The extension will be 5.14m deep and the single storey section 4.0m high; the two storey part will be clearly subservient to the existing roofline. At first floor level, the extension will be $\frac{3}{4}$ of the width and $\frac{1}{2}$ the depth of the ground floor extension, extending a small bedroom to form a new master bedroom and enabling the retention of the existing bathroom window. The total of bedrooms remains as 3, with the one existing bathroom. Materials as existing.



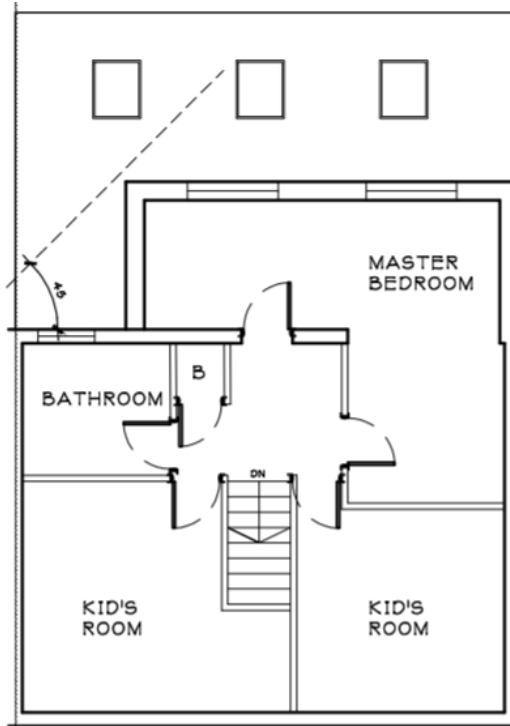
1 GROUND FLOOR
EXISTING PLAN



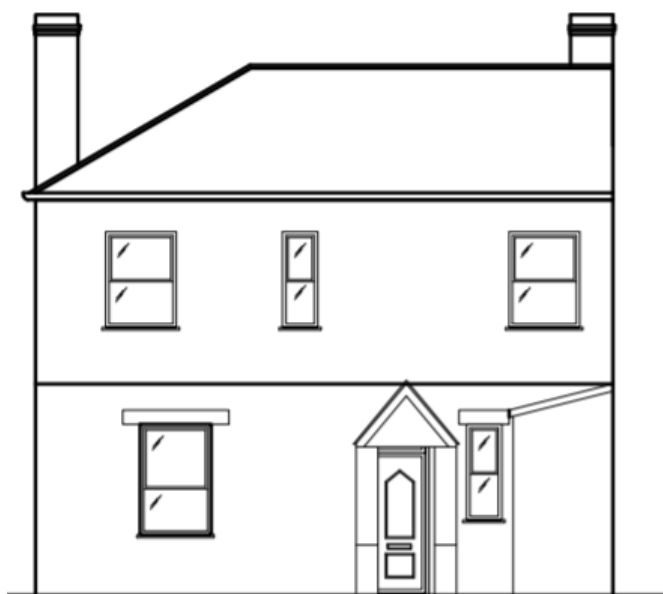
6 GROUND FLOOR
PROPOSED PLAN



Existing



and proposed first floor layouts



Existing rear elevation, with shed



Proposed rear elevation



Side view of No 25 from Bernardines Way; No 23's extension visible behind shed



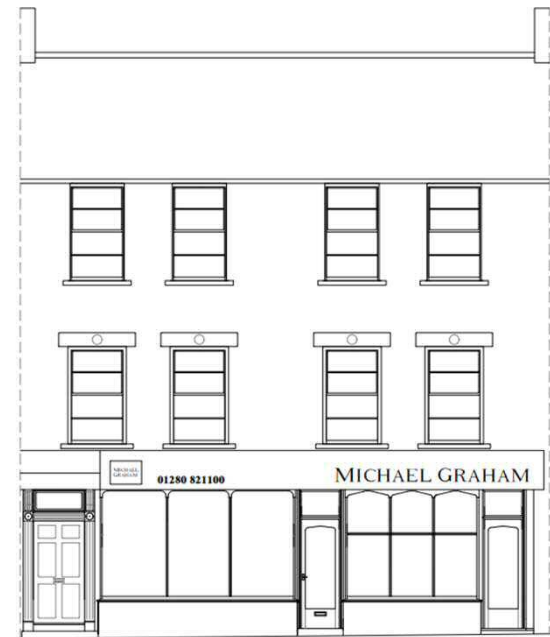
Satellite view of Nos 23 (top) and No 25.

No 23 already has a two-storey rear extension (3.6m deep) and single storey conservatory extension (09/02120). As this application proposes an extension some 0.5m longer than the shed it can be seen from the above that it will project beyond the neighbour's house extension to approximately half the depth of their conservatory.

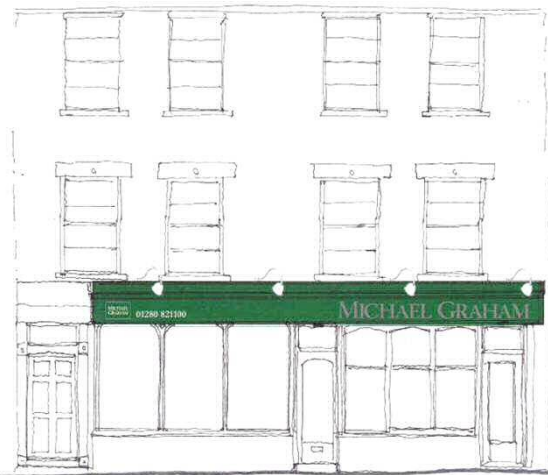
- 2. 21/00095/ALB Michael Graham Estate Agents (Buckingham) Ltd., 4-5 Bridge Street, MK18 1EL
- 3. 21/00116/AAD Removal of existing signage and replacement business signage
Illuminated business sign
Hill [Tuckley Chester Design Ltd.]



Existing frontage



Elevation to Bridge Street



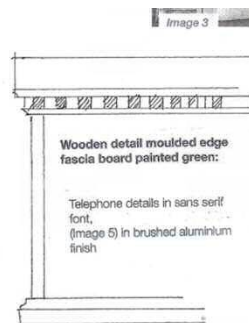
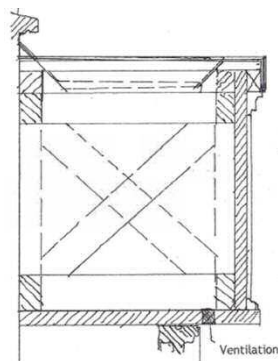
Window top mouldings to be made stable

Existing

Proposed



existing box sign



Front Elevation

Wooden detail moulded edge fascia board painted green:
Telephone details in sans serif font, (Image 5) in brushed aluminium finish

Michael Graham lettering:
Similar size as existing (Image 3 & 4) using a brushed or matt aluminium finish fret-cut lettering fixed on spacers



BEST SELLER

Proposed timber sign construction details and proposed lamp for exterior lighting

Planning History

1	86/01514/ALB	INTERNAL ALTERATIONS TO FIRST AND SECOND FLOOR NEW OPENING AND EXTERNAL STAIRCASE TO REAR OF PROPERTY FOR DIRECT ACCESS FROM COURTYARD	APPROV
2	86/01515/APP	CONVERSION OF SINGLE DWELLING TO 2 TWO STOREY DWELLINGS OVER EXISTING SHOP UNIT	APPROV
3	96/02288/APP	CHANGE OF USE FROM RETAIL TO A2	Approved
4	05/02337/ALB	Internal alterations to ground floor and basement to create two separate units	L. B. Consent
5	16/01523/AAD	Retention of non illuminated fascia sign	Advert & LB Refused
6	16/01569/ALB		
7	17/00178/AAD	Retrospective application for 1x non-illuminated fascia sign. Both decisions appealed and dismissed 7/12/17	Advert & LB Refused
8	17/00180/ALB		
9	21/00095/ALB	Removal of existing signage and replacement business signage	Pending Consideration

The site is a double-fronted shop unit on the left-hand side of Bridge Street as one travels uphill, opposite the Three Cups PH. It is Grade II Listed and in the Conservation Area.

The Listing says:

“Shop and dwelling. Early-mid C19 with C20 alterations. Probably brick with stucco render incised with masonry patterns, C20 pantile roof, brick internal and end stacks. Double-depth plan. 3-storey, 4-window range. C19 shop front occupying most of ground floor with central part-glazed door with overlight and similar door (not in use) to far right. Shop windows are divided into 3 lights by thin moulded wood uprights; lights have one horizontal glazing bar and Tudor-arched heads. 6-panel door to far left has reeded wood surround with paterae to angles, overlight and boxed hood on console brackets. C19 sash windows in pairs to 1st- and 2nd- floor windows have rendered lintels with moulded rosette to centre, flanked by vermiculated panels. Deep bracketed wood eaves.”

The two applications have been generated by Enforcement due to non-compliance with a refusal following the dismissal of an appeal by the Inspectorate (in December 2017), and recent extensive consultations with the Heritage Officer.

The installation of new signage without permission was reported by Cllr. Harvey in March 2016 leading to a retrospective pair of applications later that year; Members – as was the custom then – did not comment on retrospective applications, and they were refused by the AVDC officer as follows:

The installed fascia panel by virtue of its form, depth and height is such that this new fascia panel is not considered to respect the architectural form of the building and has led to the visual incursion by the fascia panel of the architectural detailing to the top of the shop windows in a manner deemed to be harmful to the appearance of the building. As such the fascia panel as installed fails to preserve or enhance the character and appearance of the conservation area and does not comply with the National Planning Policy Framework.

The panel was aluminium with letters mounted on it, and wood is preferred for signage within the Conservation Area. Furthermore the curved tops of the shop windows, which get special mention in the Listing, were obscured:



The applicants appealed (16/00066 for the Listed Building application, 16/00067 for the Advertisement application) which were both dismissed by the Inspector for the following reasons (16/00066)

21. The desirability of preserving the listed building and BCA are matters to which considerable importance and weight are to be accorded, and I conclude that no public benefits have been put

forward which outweigh the harm that is caused to the designated heritage assets. It follows that the works are contrary to the historic environment policies of the Framework.

(16/00067)

23. With respect to the Regulations the listed status of the appeal building and its location with BCA, together with the provisions of the development plan, are relevant material considerations. Having regard to all the relevant factors set out above, I conclude that the sign is harmful to amenity.

Overlapping with the wait for the Inspector's judgement, another pair of applications was submitted in 2017, and refused with exactly the same wording (by a different officer).

The current applications are for an externally lit (4 swan-neck lamps as illustrated above) timber fascia board with a decorative moulding along the edge; much the same depth box structure, but rather less height to expose the window headings; lettering and figures as existing on a dark green painted background.

- 3. 21/00130/APP** Land at Manor Farm East of Buckingham MK18 7JH
 Installation of a solar park to export up to 12MW (AC) electricity, comprising up to 38,000 photovoltaic panels, 12 inverter/transformer cabins, a single control building and associated works
Peacock [Wessex Solar Energy Ltd.]



The site is two fields north of the Bletchley Road (A421) at the junction with the Old Bletchley Road, and south of the sewage works.

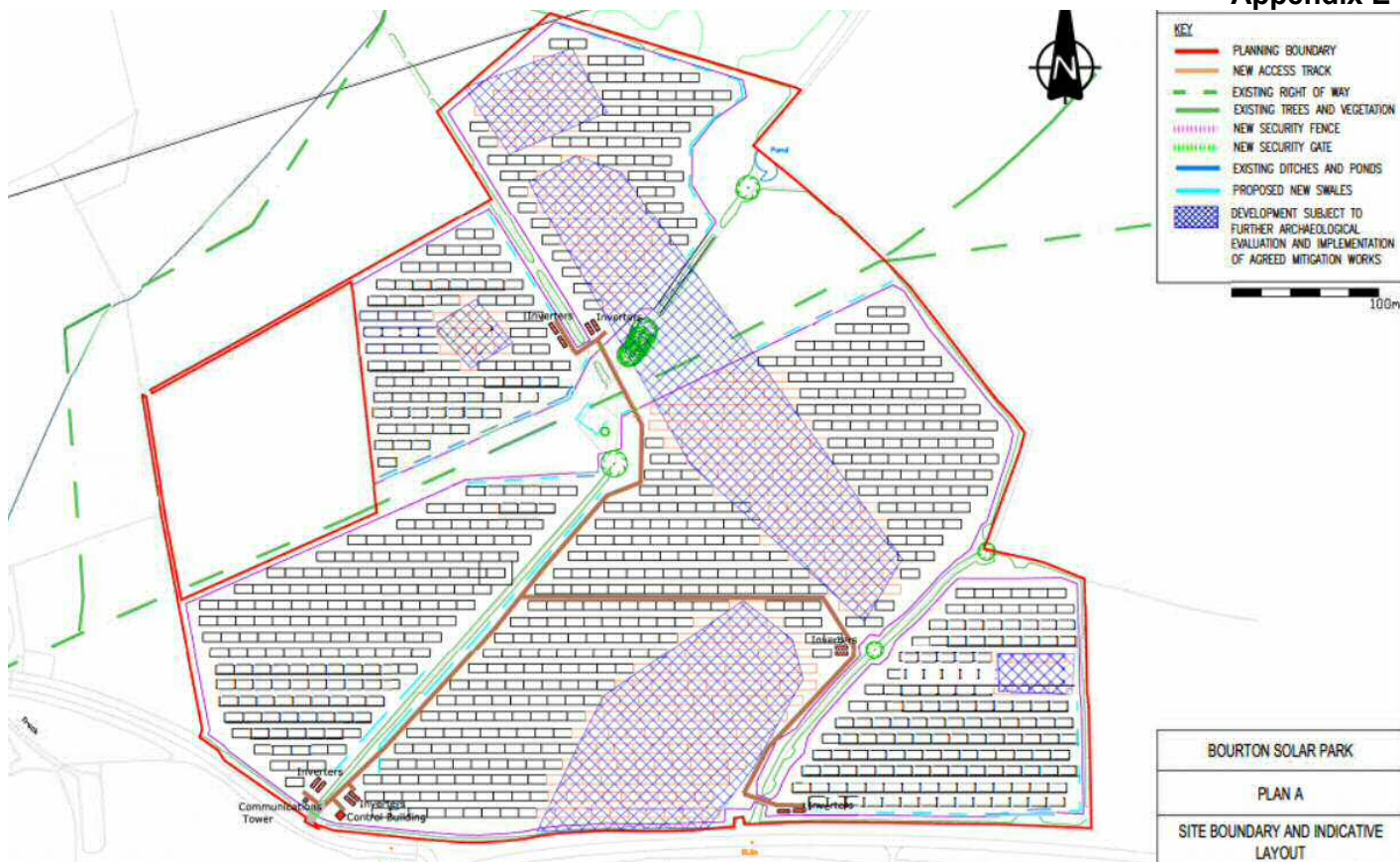
Members will recollect that the Committee was supposed to receive a presentation from Mr. Wearmouth of Wessex Solar Energy at the 17th August 2020 meeting, but had to consider the presentation document in his absence. The minute reads:

297/20 Solar Farm proposal

All comments are Member's personal views, to be taken without prejudice to the Council's response to an eventual planning application.

Members were concerned that the circulated document from Wessex Solar Energy did not include Footpath 24 connecting Buckingham to Thornborough on the site map. There was a written reference in the description of the site plan, but how the footpath would be accommodated was not indicated. If there was an intention to divert the footpath, Members were concerned that the diverted path would be very long and near the main road.

Cllr. Cole raised that Buckingham Neighbourhood Development Plan policy 10.12, which promotes small scale renewable energy regeneration only permitted where it preserved or enhances heritage sites. However this project was large and very close to medieval Thornborough Bridge, and Roman temple, barrows that overlook the site and Roman villas. The Town Plan Officer shared these concerns.



Site plan showing cabin and other installations, and the extent of the solar panels. The blue cross-hatching shows where additional archaeological evaluation and mitigation is possible.

The site itself has no planning history; all the applications listed are related the cluster of farm buildings on the Old Bletchley Road. There are no Protected trees on the site. Members will be relieved to hear that the application shows the footpath retained on its present line, though I found no confirmation of the 5m corridor RoW ask for, and the proximity of the heritage assets is as below:



Nearest Heritage Sites (L-R: Bourton Mill House; Rose Cottage; (site); White House Farm House; White House Farm Cottage; (all Grade II). Thornborough Bridge (Grade I); Thornborough Mounds (two Roman barrows))



The Solar Park will comprise approximately 38,000 PV panels, which will be used to generate up to 12 MW (AC) of renewable electricity for export into the regional electricity grid. Each panel will be mounted at an angle of between 15° and 35° facing approximately due south with the panels sitting approximately 1m above ground level at their lowest edge and no taller than 3.5 m (about 11.5 feet) from ground level at their highest edge. The exact details of the size, number and orientation will be confirmed at the detailed design stage following a competitive tendering process.

A 15.2m tall lattice design communications tower will be installed on site to allow Western Power Distribution to monitor the output from the project and control the input into the regional grid system.

Once operational there will be only limited requirements for staff to visit the site, with the project being monitored remotely. Typically, the installation would be inspected by a member of staff twice a month to ensure that equipment was working correctly and to allow for any activities such as grass cutting/strimming etc).

The proposed site falls very slightly from south (80m AOD) to north (c. 76m AOD) and the first line of panels is quite close to the roadside hedgerow. There are 'glint and glare' details in the documentation.

It is also possible that a permanent 2.5 m tall security fence will be installed (behind any existing onsite hedgerows), with an access gate at the point of access, to ensure there is no unauthorised access to the proposed Solar Park site.

The documentation supplied is extensive – the Environmental Report is well over 500 pages – and covers planning policy and law including the BNDP and the TC declaration of a Climate Emergency, community consultation with responses to questions, a consideration of alternative sites, biodiversity, flooding, archaeology and history, traffic movements and noise during construction, operation, and decommissioning (the life of the installation is estimated at approx. 40 years and the land can be easily be restored to as-existing), baseline data to measure various aspects against in the future, likely problems and nuisance and the mitigation measures to be employed. The site has been surveyed geophysically and the results are in the report; there are maps including the 1848 Tithe Map and OS maps from 1885 – 2020. There are photographs of the site taken from near and far, and of the views outward from the site. It is intended that the land be used to graze sheep. It is suggested that permission be sought to re-open the blocked end of the Old Bletchley Road temporarily to allow easy access for plant during construction.



Landscaping details

Not for consultation

5. 20/00155/ACL

15 Market Square, MK18 1NW

Application for a Lawful Development Certificate for the proposed use of ground floor and first floor as medical consulting rooms (Use Class E)
Godagama



Property History (not signage)

1	78/00102/AV	ALTERATION OF SHOP FRONT TO ENABLE TRADE FASCIA TO BE DISPLAYED	Approved
2	08/02057/APP	Change of use of upper floors to Class A1 (ladies hairdressing salon) - Retrospective	Approved
3 4	20/04229/APP 20/04230/ALB	Alterations to ground floor front elevation and internal work including removal of existing stairs and replace on first floor Alteration to existing Ground Floor Shop Front (Construction matching - style, material and appearance of existing) to incorporate a doorway forming independent access to residential (C 3.) First and Second Floors. INTERNAL - GROUND AND FIRST FLOOR: Ground Floor: Remove existing stairs to first floor and install replacement as illustrated on plan (201923-2). Create corridor. First Floor: Enclose landing. Revised internal non load bearing partitions as illustrated on plan (201923-2). Formation of bathroom as illustrated on plan (201923-2).	Withdrawn
5	21/00155/ACL	Application for a Lawful Development Certificate for the proposed use of ground floor and first floor as medical consulting rooms (Use Class E)	Pending Consideration

The site is the former hairdressers between W.H.Smith and the Co-op Funeral Directors.

It is a Listed Building, considered as a group of 13/14/15 as follows:

Terrace of 3 shops and dwellings. Early C19 with C20 alterations. Red brick in Flemish bond, concealed roof, brick ridge and end stacks. Double-depth plan. 3-storey, 6-window range. C20 shop fronts to ground floor with some older elements. Each shop front has central door, flanked by shop bay windows, and moulded cornices to continuous fascias. 12-pane sash windows to 1st floor, except for C20 replacement windows to No.15, all with gauged brick lintels. 9-pane sashes to 2nd floor, except for C20 windows to No.15, all with flat-arched heads, those to No.14 rendered. 4 giant rendered pilaster strips either end and between properties, giving a 2.2.2 composition. Pilasters flanking No.13 have capitals with egg-and-dart ornament bearing sections of entablature, octagonal vermiculated panels to

top of other 2 pilasters. Moulded, rendered cornice to whole range and coped parapet, concealing roofs. Parapet to No.15 is rendered with long vermiculated lozenge panel.

The applications to alter the building to permit a separate access for the flat over the shop were withdrawn before the 21st December meeting. There is no further mention of a separate access for a tenant, and the drawings do not show the proposed new door at the right hand side of the front elevation - the current proposal does not alter the exterior appearance or the interior layout at all. Changing the use from hairdressing to medical consulting rooms no longer requires planning permission as both are now in Class E, introduced in September 2020. The application is for a Certificate to confirm this.

KM
25/1/21

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Year	Appln	Type	site	Proposal	Shire Councillors						Notes				
2	2016	00151	AOP	Land off Walnut Drive	170 houses							not in our parish				
3						CC	SC	TM	HM	RS	WW	Later contact if any	date of BTC agenda	Response	Committee Date	Decision
4	2018	00932	APP	19 Castle Street	6 flats above shop							amended plans	20/4/20	& 17/04671/ALB; Oppose until HBO satisfied		
5		01098	APP	23/23A/23B Moreton Road	split 3 houses into 6 flats							amended plans	23/03/20 and 6/7/20	no change to original response; deferred for more information	officer decision	Approved 21/10/20
6		04290	APP	West End Farm	72 flats/Care Home	-	-	-	-	√	-	amended plans	4/2/19	no change to original response	WITHDRAWN 27/2/20	
7		04626	APP	Overn Crescent	4 houses	-	-	√	-	-	-	amended plans	22/6/20	no change to original response		
8																
9	2019	00148	AOP	Land at Osier Way	up to 420 houses	-	-	-	-	√	-					
10		00391	APP	The Workshop, Tingewick Rd	ch/use & new access	-	x	-	-	-	-	amended plans	3/2/20	Oppose & Attend	officer decision	Approved 11/11/2020
11		00902	ADP	Land adj 73 Moreton Road	Reserved matters - 13 houses	-	x	-	-	√	-			Now 12 house - Amended plans ->18/1/21; RS call-in		
12		001476	APP	Station House, Tingewick Road	11 houses	-	-	-	?	-	-	additional document	27/2/20	no change to original response		
13		01564	APP	12-13 Market Hill (M&Co)	9 flats over and 23 newbuild flats behind	-	-	-	-	-	-			<i>Revised application 20/02752/APP submitted August 2020, see below</i>	Officer decision	Refused 6/7/20
14		02627	AAD	Old Town Hall	signage (retrospective)	-	-	-	-	-	-	amended plans	24/2/20	response changed to No Objections subject to the satisfaction of the HBO	officer decision	Approved 30/10/20
15		03531	APP	10 Tingewick Road (Hamilton Precision site)	variation 16/02641/APP 50 houses	-	-	-	-	√	-				officer decision	Approved 28/10/20
16		03624	ALB	Old Town Hall	signage (retrospective)	-	-	-	-	-	-	amended plans	24/2/20	response changed to No Objections subject to the satisfaction of the HBO	officer decision	Approved 30/10/20
17																

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
18	Year	Appln	Type	site	Proposal	Shire Councillors					Later contact if any	date of BTC agenda	Response	Committee Date	Decision	
19						CC	SC	TM	HM	RS	WW					
20	2020	00483	APP	Land behind 2 Market Hill	7 flats	-	-	-	-	-	-	add'l plans amended plans	23/03/20; & 17/8/21	no change; response changed to No Objections		
21		00510	APP	Moreton Road III	130 houses	-	-	-	-	√	-					
22		01018	APP	7 Krohn Close	extensions	-	x	-	-	-	-	amended plans	17/8/20	no change to original response	officer decision	Approved 3/9/20
23		01240	APP	5 The Villas	extension	-	-	-	-	-	√	add'l plans	22/6/20	no change to original response	WITHDRAWN 18/9/20	
24		02013	APP	10 Hilltop Avenue	Fence and shed	-	-	x	-	-	-	new appln 20/04127	20/7/20		officer decision	Refused 23/9/20
25		02506	ALB	50-51 Nelson Street	change #51 to HMO	not possible for ALB						17/8/20	in combination with 20/01830/APP			
26		02511	APP	Pightle Crescent	8 flats, garage area	-	x	x	-	-	-	amended plans to 21/12/20	14/9/20	2 approaches made to SC, no response, TM asked; declined; Amended plans offered to CC; no response		
27		02752	APP	M&Co	9 flats above shop	-	-	x	-	-	-		14/9/20			
28		03092, 03281 & 03439	APP & AAD	TJ's, 4 Market Square	ch/use to restaurant and install external flue	?	-	-	-	-	-		2/11/20			
29		03387	APP	14 Glynswood Road	2-st front extension	-	-	-	-	-	x		2/11/20	WW has agreed changes with officer		
30		03494	APP	71 Overn Crescent	2-st side extension	-	-	-	√	-	-		2/11/20	HM in discussion with officer		
31		03602	APP	Royal Latin School	Vary hours of use	?	-	-	-	-	-		2/11/20			
32		03677	APP	32 Bradfield Ave	new house	?	?	-	-	-	-		30/11/20			
33		03840	APP	5 The Villas	extension	-	-	-	-	-	√		30/11/20			
34		03950	APP	Land by Old Police Station	9 new houses	-	-	-	-	√	-		30/11/20			
35		04044	APP	61 Moreton Road	variation	-	-	x	-	-	-		21/12/20	TM queried reasons; refused		
36		04127	APP	10 Hilltop Avenue	Fence and shed	-	-	-	?	-	-		21/12/20	WW has objected separately		
37		04249	APP	2 Chandos Road	fence	-	-	-	?	-	-		21/12/20			
38																

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
39	2021					CC	SC	TM	HM	RS	WW					

Key √ = call-in actioned; x = refused; - = no response; ?= requested but not confirmed

Open consultation

Supporting housing delivery and public service infrastructure

Published 3 December 2020

Part 1. Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential		
Q1	Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?	No, this would be contrary to the made Buckingham Neighbourhood Development Plan which is currently the overarching local planning document.
Q2	2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?	Yes Such areas must be protected at all costs
	2.2 Do you agree that the right should apply in conservation areas?	No, this would be contrary to the Buckingham Neighbourhood Development Plan and would fundamentally undermine the protections rightly placed on conservation areas
	2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?	No, this would be contrary to the Buckingham Neighbourhood Development Plan and would fundamentally undermine the protections rightly placed on conservation areas, and may also undermine the future retail use of town centres
Q3	3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval?	Yes All the listed safeguards need to be maintained
	3.2 Are there any other planning matters that should be considered?	Yes Impact on community safety & well-being / loss of amenity to Town Centre / parking & traffic / climate change / children's safety and well being
Q4	4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential should attract a fee per dwellinghouse?	Yes, otherwise there is a loss of revenue to the LPA and should be proportionate to the increase in value of the property concerned
	4.2 If you agree there should be a fee per dwellinghouse, should this be set at £96 per dwellinghouse?	No Far too low
Q5	Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential?	Contrary to Buckingham Neighbourhood Development Plan. All this needs to be modelled before pursuing
Q6	6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?	Yes to all three groups Communities need vibrant town centre retail areas with gyms, restaurants and a wide variety of shops. Once a shop has been turned into a residential property this will be unlikely to change back in the future. The full impact of such changes should not be random but carefully planned to maintain the vitality of town centres and shopping / office areas.

	6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?	Yes The loss of retail and services from town centres would disproportionately affect people who cannot access transport to out of town shopping, as well as disabled residents with limited access, who may currently rely on town centre shopping and Shopmobility schemes.
Part 2. Supporting public service infrastructure through the planning system		
Q7	7.1 Do you agree that the right for schools, colleges and universities, and hospitals be amended to allow for development which is not greater than 25% of the footprint, or up to 250 square metres of the current buildings on the site at the time the legislation is brought into force, whichever is the greater?	No There should be no automatic right, again contrary to Buckingham Neighbourhood Development Plan. Buckingham University occupies land in the town centre that is intricately connected to the town's layout; this would ride roughshod over the Neighbourhood Plan in a rural town.
	7.2 Do you agree that the right be amended to allow the height limit to be raised from 5 metres to 6?	No Contrary to Buckingham Neighbourhood Development Plan
	7.3 Is there any evidence to support an increase above 6 metres?	Not that we have seen
	7.4 Do you agree that prisons should benefit from the same right to expand or add additional buildings?	N/A in our community
Q8	Do you have any other comments about the permitted development rights for schools, colleges, universities, hospitals and prisons?	The ability for such service providers to expand to meet the needs of residents is essential, however local residents should retain their ability to set local plans as to how this can be done
Q9	9.1 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could impact on businesses, communities, or local planning authorities?	Yes, loss of planning revenue. The loss of consultation rights would substantially reduce the ability of communities to work together to support economic development, plan for managed growth and retain local identity.
	9.2 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could give rise to any impacts on people who share a protected characteristic?	Yes The opportunity for community and advocacy groups to comment on developments to avoid negative impacts on people who share a protected characteristic would be significantly reduced
Q10	10.1 Do you think that the proposed amendment to allow prisons to benefit from the right could impact on businesses, communities, or local planning authorities?	N/A
	10.2 Do you think that the proposed amendment in respect of prisons could give rise to any impacts on people who share a protected characteristic?	N/A
Q11	Do you agree that the new public service application process, as set out in paragraphs 43 and 44 of the consultation document, should only apply to major development (which are not EIA developments)?	No Should apply to all developments - the voice of the citizen should not be silenced by timescales so short that it effectively means that an informed view cannot be reached.
Q12	Do you agree the modified process should apply to hospitals, schools and further education colleges, and prisons, young offenders' institutions, and other	No The voice of the citizen should not be silenced by timescales so short that it

	criminal justice accommodation?	effectively means that an informed view cannot be reached.
Q13	Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks?	No, Much too short given the number of agencies and local authorities involved in the planning process. The public must also be given enough time to comment
Q14	Do you agree the minimum consultation/publicity period should be reduced to 14 days?	No Far too short as above. Many town and parish councils only meet every two months, so this would effectively take away any their role to represent local views
Q15	Do you agree the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority it anticipates making a decision?	Yes, one of the few good ideas in the White Paper. This information should be publicly accessible as a CSV file.
Q16	Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted?	Yes As above
Q17	17.1 Do you have any comments on the other matters set out in this consultation document, including post-permission matters, guidance and planning fees?	No As stated above
	17.2 Do you have any other suggestions on how these priority public service infrastructure projects should be prioritised within the planning system?	Planning should be prioritised by whatever has the most social value to the community. If the planning system cannot cope then funding should be available to resolve this, rather than further delaying other applications
Q18	Do you think that the proposed amendments to the planning applications process for public service infrastructure projects could give rise to any impacts on people who share a protected characteristic?	See above - and it is behoven on the Govt Department proposing these measures to do a full equality impact assessment.
Part 3. Consolidation and simplification of existing permitted development rights		
Q19	19.1 Do you agree with the broad approach to be applied to the review and update of existing permitted development rights in respect of categories 1,2 and 3 outlined in paragraph 76 of the consultation document?	No Contrary to Buckingham Neighbourhood Development Plan
	19.2 Are there any additional issues that we should consider?	Yes, that local plans and neighbourhood plans should continue to be the overarching planning documents for their areas;
Q20	Do you agree that uses, such as betting shops and pay day loan shops, that are currently able to change use to a use now within the Commercial, Business and Service use class should be able to change use to any use within that class?	No There is no reason for these venues to be more easily changed than others
Q21	Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document?	No Contrary to Buckingham Neighbourhood Development Plan and Conservation Areas
Q22	Do you have any other comments about the consolidation and simplification of existing permitted development rights?	The overall changes that are proposed are not necessary, and would substantially damage trust in the planning system. They would seriously undermine Neighbourhood

Appendix G

		<p>Development Plans already in place, and would reduce the likelihood of communities wanting to spend time and money investing in new plans. The whole approach requires a complete rethink; the changes as proposed should be rejected completely.</p>
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Open consultation

Right to Regenerate: reform of the Right to Contest

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Introduction

1. Longstanding vacant, derelict or underutilised public sector land can have a significant impact on the attractiveness of a local area, acting as a focus for anti-social behaviour. Since 1980, the public has been able to request that the government considers whether certain publicly owned land is unused or underused, and if so directs that it be sold.
2. In 2011, this power was incorporated into the portfolio of Community Rights as the Community Right to Reclaim Land, and extended to apply to land owned by the Greater London Authority, Transport for London, and the British Transport Police.
3. In 2014, the power was brought together with policy on the release of central government land as the Right to Contest, to make it simpler for the public to request the disposal of public land. Strand 1 of the Right to Contest applies to central government land, and is administered by the Cabinet Office; Strand 2, the powers originally created under the 1980 Act, is today administered and exercised by the Secretary of State for Housing, Communities and Local Government.
4. The government wants to empower people to challenge the inefficient use of public sector land in their communities, and to bring it into better economic use, including to provide new homes. The government is consulting on the effectiveness of these requests as it considers reforms to make the process more efficient and more transparent.
5. The government believes that reforming the Right to Contest and relaunching it as a new 'Right to Regenerate' could provide a quicker and easier route for individuals, businesses and organisations to identify, purchase and redevelop underused or empty land in their area. In turn, a strengthened right would support greater regeneration of brownfield land, boost housing supply and empower people to turn blights and empty spaces in their areas into more beautiful developments.
6. Following the consultation, the government will consider the feedback as it determines whether to bring forward reforms to the right in order to encourage the public to drive regeneration and stimulate the more productive use of public land.

Background

7. The Local Government, Planning and Land Act 1980 empowers the Secretary of State to direct a body within a specific list of bodies, set out in Schedule 16 to that Act, to take steps to dispose of their interest in that land where that land is not being used or not being sufficiently used.
8. This power now operates as part of the policy known as the Community Right to Contest, which has two strands. Strand 1 covers central government bodies on a voluntary, non-statutory basis, and is administered by the Cabinet Office. Strand 2 covers those public bodies set out in Schedule 16 of the 1980 Act, and is administered by the Ministry of Housing, Communities and Local Government. This consultation relates only to Strand 2.
9. Since 2014, 192 requests have been submitted under Strand 2. Of these, 145 were refused, 10 withdrawn, 9 are still pending, 27 were not a valid request and one direction to order disposal was issued.
10. Strand 2 of the Right to Contest was designed to be an intervention last resort, enabling someone to ask Ministers to order a listed public body to dispose of land, including any property on that land, if they think the land is unused or under-used, and the public body has either refused to do so or not engaged. Most requests come from members of the public rather than community groups or companies and relate to small plots of land. At present, the right is promoted on GOV.UK and some local authority websites.

11. Refusals arise largely because the public body has a use/intended use for the land or it is allocated in the Local Plan.

12. The government is consulting on whether reforms to the right could lead to it being utilised more effectively and more widely.

Consultation questions

Increasing the usefulness and effectiveness of the right

13. The government seeks views on the usefulness of the right, as well as potential reforms to increase effectiveness. Respondents should consider how the right is used by private individuals as well as organisations. The government is particularly interested in responses from anyone who has previously submitted a request under the Right to Contest.

Q1: Do you consider the Right to Contest useful?
Yes/No – please provide a reason for your answer.

Q2: Do you think there are any current barriers to using the right effectively, and if so, how would you suggest they be overcome?
Yes/No – please provide details.

Making it clearer when land is unused or underused

14. The government is considering publishing a definition of land that is unused or underused, to help guide people in making applications.

Q3: Would a definition of unused or underused land be useful, and, if so, what should such a definition include?
Yes/No – please provide details.

Extending the scope of the right

15. The government is also interested in views as to whether extending the right to include unused and underused land owned by town and parish councils would increase the effectiveness of the right in optimising land usage across England.

Q4: Should the right be extended to include unused and underused land owned by town and parish councils?
Yes/No – please provide a reason for your answer.

Land where a public body has an intended use

16. Many requests are refused as the public body indicates that it has an intended use for the land. This may mean some sites are left unused or underused for some time until those plans materialise.

17. The government is considering incentivising temporary uses by ordering sales where temporary uses cannot be identified. This would help minimise blight until sites are put to better long-term use and help to keep neighbourhoods vibrant and productive especially in town centres and urban areas.

Q5: Should the government incentivise temporary use of unused land which has plans for longer term future use?
Yes/No – please provide a reason for your answer.

A greater role for local authorities

18. The Right to Contest was designed to be a last resort where listed public bodies have refused to engage with, or refused, a request to bring unused land into use. The government is inviting views as to whether it should require applicants making a request under the right regarding local-authority-owned land to demonstrate that they have contacted their local authority before making a request. The purpose would be for the applicant to find out more about the land from informal discussions or correspondence with the

local authority, without needing to submit a formal request, and to allow requests submitted under the right to progress more swiftly, as local authorities should be prepared to respond.

Q6: Should the government introduce a requirement for local authorities to be contacted before a request is made?

Yes/No – Please provide a reason for your answer.

Presumption in favour of disposal

19. The government welcomes views on whether the Secretary of State should apply a presumption in favour of disposal when considering applications under the right, establishing clearly that disposals will be ordered unless there is a compelling reason not to do so.

Q7: Should the government introduce a presumption in favour of disposal of land or empty homes/garages where requests are made under the right?

Yes/No – Please provide a reason for your answer

Publicity and reporting

20. To improve transparency around these requests and assist with record-keeping, the government is considering placing requirements on local authorities such as:

- quarterly reports by a designed local authority officer on the number of preliminary enquiries made
- requiring the display of physical and electronic publicity where a request has been submitted for the release of a site
- requiring local authorities to publish all requests, together with their outcomes and reasoning, on their websites

Q8: Do you agree that the government should require these publicity measures where requests are made under the right?

Yes/No – Please provide a reason for your answer

Right of first refusal

21. Successful requests lead to the land being placed on the open market. This can act as a significant disincentive for those putting in a request, for example, for community groups who can find it difficult to raise finances quickly. The government is considering introducing a 'right of first refusal' to those who make the request recognising that they may need additional time to prepare a bid. This would usually be for market value and would be for a limited period of time. The right of first refusal would be imposed by the Secretary of State as a condition of disposal at his discretion. The government would welcome views as to the circumstances in which it should be employed.

Q9: Should government offer a 'right of first refusal' to the applicant as a condition of disposal?

Yes/No – Please provide a reason for your answer. Please also include what you believe would be a reasonable timeframe for the expiration of the right of refusal.

Conditions attached to disposals

22. The Secretary of State has the power to specify in the direction the terms and conditions for disposal of the land. To date this power has never been exercised. The government invites views on whether conditions ought to be imposed on the disposal of land (for example, that a sale could only be to someone with the intention to redevelop a site).

Q10: Should the government impose conditions on the disposal of land? And if so, what conditions would be appropriate?

Yes/No – Please provide a reason for your answer.

23. Thank you for completing this consultation, there is one final question:

Q11: Do you have any additional suggestions regarding reforms that could improve the effectiveness of the Right to Contest process?

Please explain your answer.

