

**HUNTINGDONSHIRE
LOCAL PLAN
EXAMINATION**

**MATTER 9 ALLOCATIONS
– RAMSEY SPA**

REP ID: 1118661

HEARING STATEMENT

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MATTER 9 – PROPOSED SITE ALLOCATIONS – RAMSEY SPATIAL PLANNING AREA

Introduction

- 1.1 This Matter 9 Statement has been prepared by Carter Jonas LLP on behalf of Hallam Land Management (HLM), who are promoting land at Gifford's Park in St Ives for a residential-led mixed use development. In the HLM representations to the Proposed Submission Huntingdonshire Local Plan 2036 (PS HLP2036), comments were made about the availability of part of the site allocation RA8: Former RAF Upwood in Ramsey (Rep Id. 378).
- 1.2 In this Statement we respond to two questions for the Ramsey SPA:
 - Qu.4) What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
 - Qu.11) What is the expected timescale and rate of development and is this realistic?

Issue

Whether the proposed site allocations for the Ramsey Spatial Planning Area are justified, effective and consistent with national policy.

Relevant policies – RA1-RA8

Questions

Taking each of the following proposed site allocations individually:

Ramsey

RA8- Former RAF Upwood and Upwood Hill House

4) What is the current planning status of the site in terms of planning applications planning permissions and completions/construction?

- 1.3 In June 2017 outline planning permission was granted for 160 dwellings on part of the site (Ref. 12/01274/OUT). No reserved matters applications have been submitted for the proposed development yet. However, the remainder of the site has no planning status, which affects the remaining 290 dwellings included with the proposed allocation RA8.
- 1.4 An appeal decision from 2011 for a mixed use development including 650 dwellings on the whole of the RAF Upwood site was dismissed, with transport sustainability being one of the main reasons for that decision (Application Ref. 09/00342/OUT and Appeal Ref. APP/H5020/A/09/2112959). The Appeal Decision is provided in **Appendix 1**.
- 11) *What is the expected timescale and rate of development and is this realistic?*
- 1.5 It is predicted in the AMR December 2017 that 450 dwellings would be delivered from the RAF Upwood site during the plan period. As set out above, only 160 dwellings have outline planning permission.
- 1.6 There has been no change in circumstances since the appeal decision in 2011 to indicate that the site is now sustainable in transport terms or can be made sustainable. It is noted that the transport-related conclusions from the 2011 appeal decision are not referred to in the assessment of the site in the HELAA (see pg. 406-409). It is highly unlikely that the delivery of a limited amount of additional pedestrian and cycle infrastructure with the allocation will be sufficient to address the previous transport-related sustainability concerns which were significant. There is no evidence to demonstrate that the remainder of land at RAF Upwood is available for development during the plan period and that the previous transport-related sustainability concerns about

the site can be fully addressed. It is requested that 290 dwellings are deleted from the housing supply for land at RAF Upwood.

1.7 The request sought in respect of Policy RA8 is as follows:

We request that evidence is provided to demonstrate that the remainder of land at RAF Upwood is available for development and that the previous transport-related sustainability concerns about the site can be fully addressed. As set out in our representations to Policy LP2, we object to the fact that more development is directed to Ramsey than St Ives which is a larger and more sustainable settlement.

APPENDIX 1: APPEAL DECISION REF. APP/H5020/A/09/2112959

19 August 2010

Ms Amanda Beresford
Addleshaw Goddard
Sovereign House
PO Box 8
Sovereign Street
LEEDS
LS1 1HQ

Our Ref: APP/H5020/A/09/2112959
Your Ref: 09/00342/OUT

Dear Ms Beresford,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY STRAWSON DEVELOPMENTS LTD/OMNIVALE LTD
AT FORMER RAF UPWOOD, UPWOOD ROAD/RAMSEY ROAD, BURY/RAMSEY,
CAMBRIDGESHIRE PE26 2XN
APPLICATION: REF 09/00342/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, P E Dobsen MA (Oxon) DipTP MRTPI FRGS, who held a public local inquiry on dates between 26 January and 30 April 2010 into your client's appeal against non-determination by Huntingdonshire District Council ('the Council') of an outline planning application for the demolition and clearance of redundant buildings, removal of redundant fixed infrastructure, reclamation and remediation of land, and redevelopment for mixed uses, including housing (at least 650 units), employment (at least 10ha), a neighbourhood centre and landscaped open space at the former RAF Upwood, Upwood Road/Ramsey, Bury/Ramsey, Cambridgeshire PE26 2XN in accordance with application Ref 09/00342/OUT, dated 24 April 2009.
2. On 22 October 2009, the appeal was recovered, for the reasons set out by the Inspector at paragraph 18 in his report, for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State agrees

with the Inspector's conclusions and agrees with his recommendation. For the main parties, a copy of the full Inspector's report (IR) is enclosed. For all other parties, a copy of the Inspector's conclusions is enclosed. Copies of the full report can be obtained upon request to the address on the first page of this letter. All references to paragraph numbers, unless otherwise stated, are to the IR.

Procedural matters

4. In reaching his decision, the Secretary of State has taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State agrees with the Inspector at IR60 and is content that the ES complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.
5. At the inquiry, applications for award of costs were submitted by the appellants against the Council, and by the Council against the appellants. These applications are the subjects of separate decision letters.

Matters arising after the close of the inquiry

6. Following the close of the Inquiry, a representation from Mr A Large, dated 26 March, was forwarded to the Secretary of State and he has taken account of this representation in reaching his decision. He does not, however, consider that it raises any matters which would require him to refer back to parties for further representations prior to reaching his decision. A copy of the representation can be made available upon written request.
7. Regional Strategies, including the East of England Plan (EEP) which formed part of the development plan at the time of the inquiry, were revoked by the Secretary of State on 6 July 2010. The Secretary of State has had no regard to the EEP, or the Inspector's conclusions on the extent to which the scheme gains support from or conflicts with the EEP, in his determination of this appeal. He does not consider that his revocation of Regional Strategies, or his decision not to take account of policies in the EEP in his determination of this appeal, raises any matters which would require him to refer back to parties for further representations prior to reaching his decision.

Policy considerations

8. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case, the development plan now comprises the Huntingdonshire Core Strategy (HCS), adopted September 2009, and saved policies of the Cambridgeshire and Peterborough Structure Plan, the Huntingdonshire Local Plan (1995) and the Alteration to that Plan (2002). The Secretary of State considers that the development plan policies most relevant to this appeal are those HCS policies referred to by the Inspector at IR55.

10. Other material considerations which the Secretary of State has taken into account include Planning Policy Statement (PPS) 1: *Delivering Sustainable Development*; PPS: *Planning and Climate Change* (supplement to PPS1); PPS3: *Housing*; PPS4: *Planning for Sustainable Economic Growth*; PPS5: *Planning for the Historic Environment*; PPS7: *Sustainable Development in Rural Areas*; PPS9: *Biodiversity & Geological Conservation*; PPG13: *Transport*; PPS25: *Development & Flood Risk*; Circular 11/95: *The Use of Conditions in Planning Permission*; Circular 05/05: *Planning Obligations*; the *Community Infrastructure Levy (CIL) Regulations*, which came into force on 6 April 2010; and the adopted Supplementary Planning Guidance documents referred to by the Inspector at Annex 2 (section 5) of the IR.
11. He has also taken into account the draft document entitled *New Policy Document for Planning Obligations*, issued for consultation on 25 March 2010. However, as this document is still at consultation stage and may be subject to change, he affords it little weight.

Main issues

12. The Secretary of State considers that the main issues in this case are the relationship of the proposal to the development plan and those issues listed at IR289.

The relationship of the proposal to the development plan

13. As explained at paragraph 7 above, the Secretary of State has had no regard to the EEP, or the Inspector's analysis of the scheme's compliance with it as set out at IR276-280. For the reasons given at IR281-287, and IR305-312, the Secretary of State agrees with the Inspector that the proposals conflict with the HCS housing and employment proposals for the Ramsey Spatial Planning Area, and also with development plan transport policies. He further agrees that despite the use of that imprecise term 'at least', the appeal proposals are so much in excess of the indicative figures set out in the relevant HCS policies that they cannot be said to conform with the HCS (IR281). He has gone on to consider whether there are material considerations which outweigh this conflict.

Previously developed land

14. The Secretary of State agrees with the Inspector's reasoning and conclusions with respect to the development of previously developed land (PDL), as set out at IR290-295. He agrees that national and local policies aim to maximise the re-use of PDL in sustainable locations, and thus there is no presumption in favour of the development of PDL in unsustainable or otherwise unsuitable locations (IR290). The Secretary of State's conclusions on the sustainability of the proposed development are set out at paragraphs 17 and 18 below.
15. The Secretary of State agrees that while it is preferable in principle to remediate and redevelop all of a particular self-contained reserve of PDL than to treat just a part of it, this does not override all other considerations (IR295). Overall, he concludes that the remediation of the PDL is a benefit of the scheme, but one that must be weighed in the balance against other considerations.

Commercial property market

16. For the reasons given in IR296-302, the Secretary of State agrees with the Inspector's conclusions at IR303-304 that both need and demand for employment space at the appeal site would not exceed 2ha during the HCS plan period, and that any much larger amount was neither realistic nor deliverable and could undermine the balanced, mixed package of land uses claimed by the appellants.

Transport and sustainability

17. For the reasons given in IR305-312, the Secretary of State agrees with the Inspector that the development would be highly dependent on the private car, and would not be consistent with development plan transport policies (IR312). He further agrees that the development would not be very sustainable in transport terms as the appellant claims, but would tend to perpetuate the existing high level of commuting from Ramsey to other centres (IR312).
18. The Secretary of State has taken into account the case made by the appellant on the sustainability credentials of the proposed development (IR78). He agrees with the Inspector's conclusions on the danger that the balanced mixed-use character envisaged may not be achieved in practice (IR304), that the amount of PDL on the site is less than the appellants claim (IR294), and that there would be a high degree of dependence on the private car (IR312). He further agrees with the Inspector that while the proposal that Level 5 of the Code for Sustainable Homes should be achieved is beyond what is currently required under national or local policy, there may be an undesirable trade-off between this and the quantum of affordable housing which could be provided (IR339). Overall, he does not agree with the appellant's view of the proposed development as highly sustainable (IR275).

Viability

19. For the reasons given at IR313-320, the Secretary of State agrees with the Inspector's assessment at IR321 that the Council's viability assessment, which discounts the historic land acquisition and holding costs, is preferable. He does not consider that the appellant's viability case shows that the HCS is unsound.

Affordable housing

20. For the reasons given at IR324-325, the Secretary of State concludes that in the light of the high level of need for affordable housing in Huntingdonshire, the affordable housing that would be delivered by the appeal scheme (which would be determined by a cascade mechanism set out in a s.106 unilateral obligation) would be a benefit. The Secretary of State has had regard to the fact that the 9.5 years' land supply stated in the Council's evidence was not challenged (IR288).

Conditions

21. The Secretary of State has had regard to the proposed conditions set out at the end of the Inspector's Report, the Inspector's assessment of these, as set out in IR328-339, and the policy tests in Circular 11/95. The Secretary of State is

satisfied that the proposed conditions are reasonable and necessary, and meet the tests of Circular 11/95. However, he does not consider that they overcome his reasons for dismissing the appeal and, for this reason, he has not considered it necessary to decide on the alternatives proposed for Condition 7 (IR339).

Planning obligations

22. The Secretary of State has considered the three completed and executed planning obligations as submitted by the appellants, the CIL Regulations 2010, and Circular 05/2005. He agrees with the Inspector's assessment of the obligations as set out at IR340-348 and is satisfied that the provisions in the obligations are relevant and necessary to the proposed development and comply with the policy tests in Circular 05/2005 and with the CIL Regulations. However, he does not consider that the provisions would overcome his reasons for dismissing the appeal, and he has not considered it necessary to decide on the two alternative versions of the unilateral undertaking.

Overall conclusions

23. The Secretary of State considers that the proposed development is not in accordance with the development plan as it would result in far higher levels of housing and employment land than proposed by the recently adopted Core Strategy, and would additionally conflict with Core Strategy transport policies. He has gone on to consider whether there are material considerations which would outweigh this conflict. He has taken into account the benefits which would be offered in terms of affordable housing and remediation of derelict PDL, but considers that these benefits do not outweigh the development plan conflict.

Formal decision

24. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the demolition and clearance of redundant buildings, removal of redundant fixed infrastructure, reclamation and remediation of land, and redevelopment for mixed uses, including housing (at least 650 units), employment (at least 10ha), a neighbourhood centre and landscaped open space at the former RAF Upwood, Upwood Road/Ramsey, Bury/Ramsey, Cambridgeshire PE26 2XN in accordance with application Ref 09/00342/OUT, dated 24 April 2009.

Right to challenge the decision

25. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

26. A copy of this letter has been sent to Huntingdonshire Borough Council and all parties who requested a copy.

Yours sincerely

Maria Stasiak
Authorised by Secretary of State
to sign in that behalf



Report to the Secretary of State for Communities and Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

by P E Dobsen MA (Oxon) DipTP
MRTPI FRGS

an Inspector appointed by the Secretary of State
for Communities and Local Government

Date: 16 July 2010

Town and Country Planning Act 1990

**Report on Section 78 Inquiry into an appeal against the failure of
Huntingdonshire District Council to determine an application for outline
planning permission**

**FORMER RAF UPWOOD, UPWOOD ROAD/RAMSEY ROAD, BURY/RAMSEY,
CAMBS. PE26 2XN**

Application and appeal by Strawson Developments Ltd./Omnivale Ltd.

Inquiry opened on 26 January 2010; closed on 30 April 2010

Former RAF Upwood, Upwood Road/Ramsey Road, Bury/Ramsey, Cambs. PE26 2XN

File Ref(s): APP/H0520/A/09/2112959

File Ref: APP/H0520/A/09/2112959

**Former RAF Upwood, Upwood Road/Ramsey Road, Bury/Ramsey, Cambs.
PE26 2XN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Strawson Developments Ltd/Omnivale Ltd against Huntingdonshire District Council.
- The application (Ref 09/00342/OUT) is dated 24 April 2009.
- The development proposed is "outline planning application for the demolition and clearance of redundant buildings; removal of redundant fixed infrastructure; reclamation and remediation of land; and redevelopment for mixed uses, including housing (at least 650 units), employment (at least 10 hectares), a neighbourhood centre and landscaped open space".

Summary of Recommendation: that the appeal be dismissed and the application refused outline planning permission.

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1 Procedural and other Preliminary Matters, including putative Reasons for Refusal

1. At the Inquiry an application for a full award of costs was made by Strawson Developments Ltd/Omnivale Ltd. (the appellants) against Huntingdonshire District Council. The Council made an application for a partial award of costs against the appellants. These applications are the subject of separate Reports.
2. The Inquiry was opened on 26 January 2010 at The Methodist Church, The Waits, St. Ives. After an adjournment necessitated by the sudden illness of one of the advocates, I made an accompanied site visit of the site, its surroundings, and some other nearby areas later that same day. The Inquiry resumed on 2 February and, with further unavoidable adjournments, closed on 30 April after 13 sitting days. I made a second accompanied site inspection on 28 April.
3. Inquiry appearances are in Annex 1 to this report. Lists of documents, including core documents (CDs) are in Annex 2. A list of proofs of evidence, including rebuttal proofs, is in Annex 3, and abbreviations used are in Annex 4. Suggested planning conditions are in Annex 5. The terms "the applicants" and "the appellants" are used more or less interchangeably.
4. Although the Council did not determine the application within the appointed time, it subsequently indicated its 10 putative reasons for refusal (numbers and headings in **bold**). These (with minor drafting amendments for clarity) are as follows:
5. "[1] **[the relationship of the proposal to the provisions of the development plan]** The strategy for the Ramsey Spatial Planning Area [SPA] in the adopted Huntingdonshire Core Strategy [HCS, 2009], which accords with the East of England Plan [EEP, 2008], is one of relatively modest housing development to meet the needs of the SPA with employment-led regeneration. The amount of housing development proposed in the application would significantly exceed that which is considered appropriate for the SPA and this would undermine the principle of directing development to locations that are sustainable and where the development is needed to meet housing needs arising locally and from in-migration which underpins the HCS - leading to car commuting, relatively poorer employment prospects for residents, allowing good access only to limited facilities and less inclusion/greater isolation for those without access to a private car. In addition, the amount of employment development proposed in the application would significantly exceed that which is considered to be deliverable in the SPA. The proposal would therefore be contrary to policies SS1, SS2, SS4, T1 and E2 of the EEP; the spatial vision and policies CS1, CS2, and CS7 of the adopted HCS and policy P10/3 of the Cambridgeshire and Peterborough Structure Plan [CPSP] 2003."
6. "[2] **[the use of previously developed land]** Whilst there is a preference for the use of previously developed land, there is no presumption in favour of its use. In this case the factors which have led to the identification of modest levels of new development in the Ramsey SPA outweigh an approach potentially seeking to make fuller use of previously developed land at the site to the extent proposed in the application. The proposal is therefore contrary to policy SS2 of the EEP and policies CS1, CS2 and CS7 of the adopted HCS."
7. "[3] **[sustainability]** The proposed development is unsustainable in respect of the location, type and intensity of development and building socially cohesive

communities, because it would: a) exceed the amount of housing and employment development that is considered appropriate in the Ramsey SPA; b) exceed locally established and national standards for resource and energy efficiency, but without giving a full explanation of the implications on the overall viability of the development and the development and delivery of affordable housing; c) lead to an inappropriately high level of growth in the SPA with the lowest potential for the use of sustainable transport; d) potentially take growth away from the district's three larger market towns which are all in the Cambridge sub-region where development is more strategically appropriate, towards a location with fewer community facilities which would be less inclusive; e) exceed the development needs of the Ramsey SPA which are basically to service the market town and its rural hinterland. The proposed development is unsustainable in respect of the use of transport because: f) the updated travel plan strategy is inadequate in that it does not provide satisfactory separate outline residential, workplace and school travel plans clearly demonstrating what measures the developer is committed to providing, the timescales and triggers for those measures, realistic targets and a scheme of monitoring, reporting, management and additional measures/penalties if targets are not achieved; g) the strategy makes unrealistic assumptions about the walk mode split given the limited destinations that are within reasonable walking distance. The proposals do not secure adequate strategic cycling routes to Ramsey and the secondary school avoiding the need to cycle along the B1040 Bury Road and High Street, and there is no agreed funding for wider pedestrian and cycling access improvements linked to the draft Ramsey Market Transport Strategy; h) it has not been demonstrated that the proposed improvements to public transport will be viable at the end of the S106 funding period. The proposals contain insufficient information about the position and funding of new bus stops and the public transport interchange. Whilst the proposal includes a potentially sustainable decentralised energy source and sustainable construction methods that exceed current requirements, insufficient information has been made available to demonstrate that the proposal is deliverable. The proposal would be contrary to policies SS1, SS2 and T1 of the EEP and the spatial vision and policies CS1 and CS10 of the adopted HCS."

8. "[4] **[viability]** Insufficient information has been provided about the underlying assumptions, costs and values associated with the development of the site for the levels of development indicated in the HCS, in the application or in any other option for the site to enable the LPA to assess whether the development indicated in the HCS is unviable or to justify a level of development which is significantly in excess of that indication and harmful for the reasons set out above."
9. "[5] **[provision of affordable housing]** The proposal would not comply with affordable housing targets in policies H2 of the EEP and CS4 and CS10 of the HCS and there is insufficient information to justify the significant reduction in the level of affordable housing or to enable the LPA to explore other scenarios that could increase the amount of affordable housing."
10. "[6] **[urban design]** The proposals represent an over-extensive use of PDL and are not based on an adequate analysis of the site's constraints and opportunities or on a consideration of a range of options for the scale of development and the arrangement of land uses. The proposal would therefore be contrary to policies ENV7 of the EEP, HL5 of the Huntingdonshire Local Plan Alteration 2002 and B1 of the Huntingdonshire Interim Planning Policy Statement 2007."

11. "[7] **[impact of the development on the road network]** The application has not demonstrated that the vehicle trip generation by the proposed development can be accommodated on the local highway network without significant detrimental impacts, and the mitigation proposals cannot therefore be assessed. In particular: the trip generation assumptions are not based on a realistic modal split, realistic assumptions about internalised trips and appropriate traffic generation levels, other committed development has not been factored-in to the assessment, and the end year for the completed development should be 2021; the transport assessment does not include construction traffic; the impact of additional traffic at the High Street/Great Whyte junction at Ramsey has not been adequately mitigated; issues identified in the stage 1 safety audit have not been adequately addressed in regard to street lighting, the design of the B1040/Upwood Road junction, localised narrow points on the footway/cycleway on the Upwood Road, the proposed Toucan crossing on Upwood Road, the design of the entry lanes into the two new roundabouts on Upwood Road, the alignment of the footway to the Fairmead Estate; the design of the proposed right-turn facility at the junction of Upwood Road and Ramsey Road. In its present form the proposal would (therefore) be contrary to policy T1 of the Huntingdonshire Interim Planning Policy Statement 2007."
12. "[8] **[provision of community infrastructure]** the draft planning obligation submitted with the application does not make explicit provision for contributions to pre-school and secondary education to meet the needs arising from the development. In the absence of a commitment to these contributions the proposal would be contrary to policy CS10 of the HCS."
13. "[9] **[impact on protected sites]** The application has not demonstrated that there is no likely significant effect through water quality impacts on the Fenland Special Area of Conservation (specifically the Woodwalton Fen SSSI) through the discharge from the development's STW into hydrologically linked waterbodies, including the Great Ravely Drain. Such significant effects would be contrary to policies ENV3 of the EEP, En23 of the Huntingdonshire Local Plan, and G4 and G7 of the Huntingdonshire Interim Planning Policy Statement 2007."
14. "[10] **[archaeology]** the application has provided insufficient information to demonstrate that the development can go ahead in the manner proposed without the loss of potential archaeological remains nor has it proposed an adequate mitigation strategy. In their absence the proposal would be contrary to policy ENV6 of the EEP, En13 of the Huntingdonshire Local Plan 1995 and B9 of the Huntingdonshire Interim Planning Policy Statement 2007."
15. Despite these rather lengthy, putative reasons for refusal, it should be stated at the outset that the Council has no objection to, and indeed supports, the provision of some mixed-use development on the appeal site, and within the HCS planning period. In the Council's view, that quantum of development should be closely aligned to that indicated in the HCS (i.e. some 150 dwellings, including affordable housing, and 2 ha. of employment land). In addition, that development should be confined to what the Council regards [see S] as PDL, and should not be built on any other part of the application site. I refer to this subsequently as "the Council's scheme" or "the Council's preferred scheme", and it is also referred to in some proofs and documents as "the HCS scheme".

16. Thus, in essence the Council's objections to the appeal proposals are all directed at what it regards as an excessive and unsustainable level of (primarily residential) development.
17. Although the outline planning application refers to "at least" 650 dwellings and 10 ha. of employment land, the list of agreed conditions (Annex 5) states at condition 31 that these elements should comprise "no more than" 650 dwellings and 10 ha. of employment land. Therefore this report (and the viability and impact assessments) assume that this is the maximum amount of development being applied for.
18. By letter dated 22 October 2009 the appeal was recovered by the Secretary of State on the basis that it "involves proposals for residential development of over 150 units or on (a site) of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities." The Secretary of State has not identified any other particular issues for the Inquiry, but I have indicated in my conclusions (section 12) what I think are the main issues upon which a decision should be based. These take account of both main parties' closing submissions to the inquiry.
19. In the remainder of this report, alphabetical references in square brackets [A etc.] refer to individual witness proofs of evidence (listed in Annex 3). Most of these have appendices containing relevant documents, to which the Secretary of State should have regard, but which I have not necessarily referred to.
20. Although summary proofs were generally provided, I have not relied on these, but have set out the material points in the parties' evidence in my own words. In this, I have been quite brief, including only (what I think are) the main points. Thus I have not, for example, attempted to report in detail the parties' methodological differences and source references on viability assessment, nor on the prediction of bus (public transport) patronage.
21. Largely owing to the production during the Inquiry of Statements of Common Ground, the following witnesses were not, in the event, called to give their evidence: Mr Holloway (highways, travel and transport) and Mr Parker (affordable housing) for the appellants; and Mr Mastrandrea (affordable housing) for the Council. Thus their evidence was not subjected to the test of cross-examination by counsel. Nevertheless it remains before the Inquiry as written representations, and should be taken into account.

2 Statements of Common Ground [SCGs]

22. **SCG 1** [re various planning matters] was submitted before the Inquiry opened. This refers in particular to a description of the site and its surroundings; the history of RAF Upwood; the planning history of the site; the outline planning application; and various other agreed matters.
23. 4 further SCGs were produced during the Inquiry, following meetings between the relevant professional witnesses aimed at narrowing the differences between the main parties. These are: SCG 2 [the commercial property market in the Ramsey/Bury area]; SCG 3 [affordable housing]; SCG 4 [transport and traffic]; and SCG 5A [viability, superseding SCG 5].

24. As a result of the SCGs, and prior to that the receipt of further information about the proposals, the Council indicated that it would not be pursuing putative reasons for refusal **5-10** (above), in whole or in part. It confirmed that these all referred to matters which could be dealt with by conditions, or in planning obligations, and were no longer matters which by themselves would justify the refusal of planning permission.
25. It follows that putative reasons **1-4** remain substantially in dispute. Based on those 4 reasons, the Council maintains that the application should be refused and the appeal dismissed.
26. **SCG 2** [the commercial property market in the Ramsey/Bury area] states agreement (and disagreement) on numerous, detailed factual matters. Some refer to the market in Huntingdon, St Neots, St Ives and elsewhere. However, the SCG does not alter the Council's position that the commercial property market could not realistically take up the amount of employment development (10 ha.) proposed in the application; nor that the Northern Gateway site (see below) is more likely to prove attractive to any new businesses coming to Ramsey/Bury than RAF Upwood. These matters in particular, therefore, remain in dispute.
27. **SCG 3** [affordable housing] states agreement that there is a high level of need for affordable housing in Huntingdonshire, as described in [P] and [Ma]. In policy terms alone, this would justify 40% provision on qualifying sites (as sought by policy CS4 in the HCS) or 35% provision (the broad regional target in policy H2 of the EEP) if it were viable to do so. However, viability considerations might dictate a lower level of provision. For the avoidance of doubt, the Council fully accepts that. The amount, and proportion, of affordable housing might also vary between different development phases. As for the tenure split, this should be 70% social rented (in a dwellings mix of 1 bed flats to 6 bed houses), and 30% intermediate housing (in a mix of 2 and 3 bed houses). The overall amount of affordable housing to be supplied from the application cannot be specified precisely at this Inquiry, as it will depend on the availability of public subsidy, which is not yet known, and other factors, including the CSH level of the completed housing. A planning obligation would provide a cascade mechanism for determining the amount and mix in each phase (see section 14 for further details). In terms of layout and design, the affordable housing should be built in clusters of up to 15 dwellings throughout the residential areas. The SCG also refers to lettings policy, and other detailed matters.
28. **SCG 4** [transport and traffic] lists the relevant inquiry documents. It refers to 5 areas of disagreement, set out in [C], as follows: i) travel mode share and traffic generation; ii) the effectiveness of the proposed travel plans; iii) the proposed public transport arrangements and, in particular, their long term viability; iv) the impact of generated traffic on the local highway network; and v) the proposed cycling measures.
29. On i) it is agreed that 80% of the trips generated by the development would be by car. The vehicle trip generation is summarised in [C, para. 5.2]. On ii), it is agreed that the residential and workplace travel plans documents are appropriately detailed, and include a satisfactory programme of monitoring. However, the Council (and Cambridgeshire County Council, the local highways authority) does not accept that the target of a 15% reduction in peak hour vehicle trips could be achieved. On iii), the main disagreement is over whether

the proposed additional bus services would be self-supporting after the end of the 10 year developer subsidy. The Councils think they would not, and would probably therefore be withdrawn. On iv), it is agreed that there is no compelling reason to refuse planning permission solely on the grounds of traffic impact on the local highways network. This is because potential congestion/queuing and rat-running problems at the High Street/Great Whyte junction in Ramsey, and at The Raveleys (small nearby villages), could in principle be resolved by traffic management measures (to be required by Grampian-type planning conditions.) On v), the package of cycling measures, including both new cycling routes and financial contributions to off-site routes, is agreed.

30. **SCG 5A** [viability] was much discussed at the Inquiry (particularly between Dr. Lee for the appellants and Mr. Durman for the Council), owing to fundamental methodological differences between the parties as to the most appropriate way of assessing a scheme's viability, or non-viability.
31. Its Tables 1 and 2 show the agreed results of the financial model, expressed as residual land values. The parties' "bottom line" conclusions on the viability of both schemes (i.e. the application scheme and the Council's preferred scheme) are summarised in tables 3 and 4 (viability as determined by the Council) and 5 and 6 (viability as determined by the applicants). Tables 3 and 4 use existing use value (EUV) as their benchmark, while tables 5 and 6 use the applicants' land acquisition and holding costs as their benchmark. Tables 3 and 5 both assume that social housing grant (public subsidy) would be available; tables 4 and 6 both assume that it would not be available (thereby significantly affecting the viability of both schemes).
32. The results in the tables also vary according to the CSH level (Code for Sustainable Homes) to be achieved within the development, and the proportions of affordable housing (0% up to 40%). It is agreed that there is a trade-off between these 2 variables: the higher the CSH level, which is more expensive to build, the smaller the number of affordable units that can be provided, and vice versa.
33. SCG5A indicates agreement, inter alia, on the following: that both parties have appraised all elements of both schemes; that the bulk of the site was purchased for £3.95m. in 1999/2000 but that the aircraft hangars were later sold for £1.9m, such that the net purchase cost was £2.05m; that the EUV of the application site is some £1.8m. and for the Council's scheme site, some £550,000. All the appraisal inputs are agreed except for the applicants' assumption that they will receive £5.8m for the right to operate the district heating system. The applicants' benchmarking exercise is based on the aforementioned net purchase price of £2.05m, plus holding costs (including the cost of finance), over 11 years, of £2.64m, making a total of £4.69m.

3 The site and its surroundings

34. The appeal site and its surroundings are described in detail in SCG 1, and, to some extent, in most of the Inquiry proofs (listed in Annex 3).
35. In summary, the application site comprises some 71.1 ha of land (the figure cited in the S106 obligations), including the majority of the former RAF Upwood's barracks and technical areas. It is located on the northern side of Ramsey Road/Upwood Road, about half way between the village of Upwood, to the south west, and the centre of the small market town of Ramsey, to the north east.

36. The smaller and formerly separate settlement of Bury, south of Ramsey, has virtually coalesced with it, such that the two are sometimes referred to as Ramsey/Bury (or Bury/Ramsey). All references in this report to Ramsey may also be read as Ramsey/Bury. Together, they had a population of about 8,000 in 2005. Part of Bury itself is virtually contiguous with RAF Upwood.
37. In terms of its general geographical location, Ramsey falls within a rural, generally flat and largely agricultural part of north Huntingdonshire, and lies on the southern edge of the Fens.
38. In terms of its population and built-up area, it is by far the smallest of the four "Spatial Planning Areas" (SPAs) identified in the HCS, and the only one of the four which lies inside a notional Peterborough sub-region, as opposed to the Cambridge sub-region, which is precisely defined in the EEP. (The other three SPAs are Huntingdon, St. Neots and St. Ives, all in the south of the district and within the Cambridge sub-region). The centre of Peterborough lies about 15 kms. to the north west of Ramsey.
39. The application site contains many derelict and semi-derelict former defence establishment buildings. Little has been done to secure these against the depredations of vandals and the weather, and collectively they represent a major eyesore, parts of which are visible from outside. They are interspersed with open areas of various shapes and sizes, which are mostly grassed but also contain numerous trees (some the subject of a Tree Preservation Order) and overgrown shrubbery. Sheep graze among them, and on the former estate roads and paths.
40. The application site does not include a modern medical establishment retained by the USAF (now used for dentistry); the former married quarters housing on the Fairmead estate (now privately owned); 4 former aircraft hangars which are now in industrial use for the manufacture and testing of aero engine turbines – these were sold by the applicants some years ago; the nearby runways to the north and west (partly used by a gliding club, which will continue in operation); or the former perimeter tracks and dispersal areas.
41. From within the site, which is slightly elevated above the generally flat and low-lying land around it, the southern parts of Ramsey are visible. However, it is not at present connected to its surroundings by any rights of way.
42. In general terms, the former RAF Upwood is an extensive but largely derelict and disused exclave of Ramsey/Bury, being neither part of that settlement, nor wholly disconnected from it. In its present condition, it is also cut off from the surrounding countryside by perimeter fences.

4 The proposals

43. The application site is shown in CD1.4 (drwg. 8642/P001). The application is in outline, with all detailed matters reserved.
44. The proposals are described in the application forms, and in several technical reports. These include a Town Planning Statement (CD1.13), a Design and Access Statement (CD1.9), a Sustainability Statement (CD1.15), an Affordable Housing Statement (CD1.14), a Statement of Community Engagement (CD1.25) and other reports, as listed in the core documents (Annex 2).
45. There is an Environmental Statement (ES), comprising a non-technical summary (CD1.32), the main text (CD1.33) and technical appendices (CD1.34).

46. In brief summary, the proposals include 650 dwellings, a proportion of which (yet to be precisely determined) would be affordable, arranged in a number of residential areas to the east of the (retained, off-site) hangars. These would have access from a point on Upwood Road to the east of Upwood Hill House. There would be 10 ha. of employment land, including a mix of B1, B2 and B8 uses, stretching in an arc to the west of the hangars. These would take access from near the south western edge of the site. A handful of the site's more notable existing buildings (unlisted, but of some wartime historical significance) would be retained and refurbished. The majority would be demolished, and the land cleared, remediated and extensively landscaped.
47. The proposed layout and disposition of land uses is best shown in the site Master Plan (CD1.5). Its relationship with the wider area is in the contextual Master Plan (CD1.6). This shows the site in relation to Ramsey/Bury, Upwood village, and the surrounding farmland and woodland etc.
48. In addition, there would be a number of public open spaces, landscaped areas and planting, footpaths and cycleways, linked with the wider countryside and its PROWs (public rights of way).
49. The application would include a number of changes to the local transport infrastructure. These are described in detail in [H]. Apart from physical measures, including some improved footpaths and cycleways, they would include additional buses, based on existing, but extended bus routes and subsidised by the developer for the first 10 years. The total cost of the transport measures would be some £4.8m. (The applicants regard this as a very significant, and indeed generous sum. Conversely, the Council sees it as a revealing indicator of the relative inaccessibility and "unsustainability" of Ramsey).
50. The applicants wish to emphasise the "sustainability" or "eco-credentials" of the proposals in general, particularly those related to the efficient generation and use of energy. These are fully described in [A and AR]. They include an on-site biomass plant to generate combined heat and power. This would be available to all the housing, as well as the employment development. Although this level significantly exceeds current national requirements, and unless the Secretary of State should specify otherwise, the dwellings would all meet CSH level 5, with the capacity subsequently to reach level 6. Farmland around the site, within the "blue line" of the applicants' control, would be devoted to the production of biomass materials for use in the biomass plant.
51. The applicants maintain that with these features the scheme would be far in advance of most other large, mixed use developments in the region to date, and fully in accordance with national energy efficiency and sustainability policies, and those in the EEP and HCS.
52. While this claim is not wholly disputed by the Council, it regards it with some scepticism on grounds of viability, and therefore as merely aspirational, rather than as guaranteed, or necessarily deliverable.
53. The application is accompanied by three S106 planning obligations, which were completed and executed at the end of the Inquiry. 2 of these are alternatives, and the Secretary of State is invited to choose which of them he prefers in the event that planning permission is granted. Further details of all 3 obligations are in section 14.

5 Planning policies

54. The most recent and relevant development plan policies are found in the East of England Plan (EEP – Revision to the Regional Spatial Strategy for the East of England), published in May 2008 (CD4.1); and the Huntingdonshire Core Strategy (HCS), adopted in September 2009 (CD4.2).
55. In the former, policies SS1, SS2, SS4, CSR1 and PB1 are of particular relevance to strategic planning matters. In the latter, policies CS1, CS2 and CS7 are the most germane. Individual policies are also identified in the putative reasons for refusal (above, section 1). Both parties also refer in their proofs to other policies in these plans.
56. In addition, the Council refers (esp. in [M]) to a handful of saved policies in the Cambridgeshire and Peterborough Structure Plan (CPSP, policy P10/3) (CD6.14), the Huntingdonshire Local Plan 1995 (CD6.15), and the Alteration to that Plan, 2002 (CD6.16). At the Inquiry, these policies received scant mention, by contrast with the more up to date policies in the EEP and the HCS, which were frequently referred to.
57. Both parties refer to various statements of national planning policy and guidance, as listed in Annex 2. The most relevant of these are Planning Policy Statements 1, 3, 4 (recently published), 7 and 12; and Planning Policy Guidance 13.
58. This report and recommendation are based on the evidence presented at the Inquiry, and on the policy position as it existed during and at the close of the Inquiry. The Inquiry closed before the Secretary of State's announcement on 6 July that he was revoking Regional Strategies with immediate effect, and the Ministerial Statement of 9 June announcing the reissue of PPS3 with amendments. The Inquiry was not re-opened and parties' views on the materiality of those actions to their cases have not been sought. Accordingly neither my assessment of the policy position nor of certain matters at issue reflect that change of circumstances.

6 Environmental Statement

59. As mentioned above, the application was accompanied by a comprehensive Environmental Statement (ES, CD1.32-1.34).
60. I agree with the main parties that the ES is adequate and thorough, and that it was prepared in accordance with the relevant regulations. It was not specifically criticised by any party at the Inquiry, and it covers many aspects of the scheme which are not in dispute. Following a minor query, I decided during the Inquiry that the ES did not require further amendments, arising from a "Regulation 19" request, concerning any foul drainage arrangements, and I duly informed the parties.

7 Planning history

61. Details of the site's history and planning history are in SCG 1.
62. In brief, the former RAF Upwood (referred to in some documents as FRAFU) originated during the First World War, but was developed substantially just before and during the Second World War when it was used as a base for bomber aircraft of the United States Air Force (USAF). Most of its existing buildings were constructed from the 1930s onwards, including several residential blocks for

service men and their families. It subsequently reverted to the RAF, although the USAF retains the use of a medical facility fronting Upwood Road, just outside the appeal site.

63. The Ministry of Defence (Defence Estates) sold the site in tranches to the applicants in 1999/2000. The applicants subsequently sold part of it, including some large hangars, to a manufacturer of turbines, and these continue in use for that purpose, surrounded by, but not a part of the appeal site. Details of the purchase prices are in [L] and in SCG5A.
64. There have been planning applications for parts of the site, and neighbouring land, which are detailed particularly in Mr. Swaby's evidence [S]. However, no major development at RAF Upwood has been permitted to date. Nor has it ever been allocated for development in any adopted development plan. Permission has merely been granted for minor, temporary uses, including paint-balling. These, plus the letting of grazing rights, have brought the applicants some income since they acquired the site, to offset against their holding costs.
65. Much of the site - the amount and proportion are a matter of dispute [see particularly A and S] - is, therefore, PDL (previously developed land).
66. Most of this PDL is by general agreement an eyesore which, although not conspicuous from many surrounding viewpoints, has a generally negative impact on the local area. The site certainly does nothing to enhance the area. Very little clearance of buildings, or remediation of the site, has occurred, either before or since the applicants acquired it.
67. However, the amount of contaminated land is thought to be quite small, and confined to a few buildings containing asbestos; in any event, land contamination is agreed not to be a significant issue.
68. Over the years, the site has not been entirely secured, and as a result frequent trespass and vandalism have damaged many if not all of the buildings and other structures. Today, as I saw during my site visits, it presents a rather sad and forlorn relic of its wartime "glory days".

8 The Case for Strawson Developments Ltd/Omnivale Ltd. [the applicants]

The material points are:

69. i) Planning policy and sustainability. The applicants' case under this heading has 4 inter-connected strands: the provisions of the development plan; the exceptional sustainability credentials of the development; its contribution to housing need; and its benefits in terms of economic development and the regeneration of Ramsey/Bury. [A]
70. The outcome of this appeal will not be neutral, but will have major implications for Ramsey. Maintenance of the status quo is not an option. If this application is refused, and the proposed development thwarted, the town will only become more marginal and peripheral, and in danger of becoming even more of a moribund dormitory suburb, a condition it has, arguably, already reached. It will certainly be a less sustainable place, and the aims of the HCS will not be met. [A]
71. The Council's preferred option, which is for a much lesser level of development, would simply not be viable, and in the real world would not therefore be delivered. This would go against the whole tenor and spirit of PPS 12. This fundamental point cannot be over-emphasised. [A]

72. Other disadvantages would ensue. Needed new businesses, jobs and housing, including a significant amount of affordable housing, would not come about, nor any improvement to the general public transport accessibility of the town. [A]
73. Not least, the derelict and unsightly appeal site would remain in that condition, and a valuable resource of PDL would be wasted (or, at best, seriously under utilised). RAF Upwood represents a great opportunity to take advantage of this wasted asset, and thereby save the need to develop greenfield sites elsewhere in the district. [A]
74. The application conforms with the provisions of the development plan in all significant respects, especially with the EEP. Individual policies are discussed in detail in [A].
75. This appeal is not contested on the basis of any deficiency in the Council's 5-year or 15-year land supply. However, it must be noted that the HCS housing figure for Ramsey is not intended to be a ceiling or a target. The policy refers to "at least" 300 houses, following the provisions of the EEP. Any alleged excess of housing numbers over and above the HCS provision (as claimed by the Council) is not in itself harmful, both because the proposals are highly sustainable in themselves, and because they would enhance the sustainability of Ramsey/Bury as a market town. [A]
76. In any event, the alleged excess would only be a very small proportion of the overall housing provision for the district to 2026, and would not, therefore, do anything to upset the HCS strategy. [A]
77. The development accords with the settlement hierarchy for Huntingdonshire (policy CS3 of the HCS). This serves the strategic aim of concentrating development in the 4 market towns, or SPAs, of which Ramsey/Bury is one. The Council's narrow, unimaginative and short-sighted approach to this application has lost sight of this, and ignores the many merits of the development. Instead, it seems to have written off Ramsey/Bury as a hopeless case, fit only for a token level of new housing and employment. [A]
78. The proposals have excellent sustainability credentials, virtually second to none. These include: its balanced, mixed use character; the full and efficient use of PDL; the use of on-site, decentralised, renewable, low-carbon energy technologies; high energy efficiency; recycling and sustainable drainage systems; the provision of new areas of landscaped open space, new PROW links, and measures to increase biodiversity; robustness to climate change; and, not least, the enhancement of non-car travel modes. In short, they may be seen as a very special case. [A]
79. Physically, the development would not be isolated, but would be a contiguous extension, within the same visual envelope, of Ramsey/Bury. It would not appear to be cut off from it. It would not impinge upon the surrounding countryside. And it would make the most of existing physical and social infrastructure. [A]
80. Within this framework, the following additional merits of the development should be noted: the proposals would rescue and refurbish the most noteworthy, and historically important buildings on the site, which are reminders of its importance in World War Two; they would be comprehensively planned and integrated, dealing with the whole site "in one go", instead of leaving parts of it un-cleared

and un-remediated (as in the Council's preferred option); all 650 dwellings would meet CSH Level 5, and be enabled to meet CSH Level 6 in due course; the proposals would include development-funded investment in sustainable transport, including in particular additional bus services, subsidised to the tune of £4.8m, and physical improvements for walkers and cyclists; adjoining land within the applicants' control would be used to grow biomass crops for use in an on-site energy plant. [A]

81. The exceptional sustainability credentials of the proposed development are detailed in [A, section 3.5] which makes extensive reference to relevant Government policy documents. These attributes wholly outweigh any perceived locational disadvantages. [A]
82. With reference to EEP policies, section 3.4.1-3.4.27 of [A] shows that the proposals are consistent both with the overall spatial vision of the plan, and its objectives. They are consistent with policies SS1, (achieving sustainable development), SS2 (overall spatial strategy), SS4 (towns other than key centres and rural areas) and E2 (the provision of land for employment). [A]
83. The proposals are also consistent with, and would help promote EEP policies on transport, the environment, carbon dioxide emissions and renewable energy, water and waste. [A]
84. With reference to HCS policies, the proposals are compliant with the spatial vision of the plan. As a defined SPA, Ramsey/Bury is clearly one of the 4 most sustainable locations in Huntingdonshire, even though, admittedly, it is smaller than the other 3 SPA settlements, and more geographically isolated. It should certainly not be treated as if it were some remote rural location, wholly off the beaten track. That seems to be the Council's (misguided) position, and the main thrust of their case. [A]
85. While Ramsey is less well served at present by public transport than the other SPAs, it would greatly benefit from the improved bus services which the proposals will bring. [A]
86. And it already has a good range of shops, services and other facilities, which the proposed development would support. That in itself would benefit the town. In fact, the existing facilities etc. are clearly capable of serving a much larger amount of new development than is indicated in the HCS. [A]
87. Like the EEP, the HCS stresses the importance of re-using PDL. The appeal site is one of the largest reserves of PDL in Huntingdonshire, and presents a great opportunity in this regard. The Council is strangely blind to this. Indeed, to them RAF Upwood seems to represent an uncomfortable inconvenience, rather than a genuine opportunity for positive planning for development-led investment and regeneration. [A]
88. As for the amount of PDL at the application site, this has been seriously underestimated by the Council, who have wrongly applied the advice in Annex B to PPS 3. [A]
89. The true picture is presented in [A, section 3.8]. To summarise, about 69 ha. of the application site - the vast majority of it - is within the old RAF Upwood perimeter fence. About 13 ha. of that area - between the Fairmead Estate and Upwood school - together with about 2 ha. set aside for surface water balancing,

is greenfield land, never having been developed. This leaves about 57 ha. as PDL, some 76% of the total application site area. That is far more than the Council's estimate (of just over 25 ha). [A, AR]

90. But even if the Secretary of State does not agree with the appellants' estimate, no harm would occur as a result of developing the 57 ha. All of it falls within any reasonable and logical definition of the built-up area of Ramsey/Bury, and there would be no physical or visual encroachment on the surrounding countryside. [A]
91. It is accepted that the HCS was found to be sound by the examination Inspector in 2009. Although it is not the applicants' intention to seek to re-open that examination, and with due respect to him, some of that Inspector's conclusions and remarks seem inaccurate, vague, equivocal, confused and confusing. That accounts for his failure properly to recognise the compelling case for large-scale mixed use development at RAF Upwood. [A]
92. This Inquiry may be seen as the Secretary of State's opportunity to correct that failure. [A]
93. One crucial point is that the HCS strategy for Ramsey/Bury, being too small in scale and therefore not viable [see L], is simply not deliverable. (In the applicants' view, it is not therefore "sound" in the terms of PPS 12). PPS 12 places great stress on the requirement for plans to be realistic and deliverable. In this case, the applicants have no intention of restricting themselves to the quantum of development indicated by the Council, and there is no evidence to this Inquiry that any other party, as yet unknown, would wish to do so. Nor is the Council ever going to compulsorily purchase the site; the Council's witness has confirmed that. It follows that to refuse this application would not serve the aims and objectives of the HCS, but would only frustrate them. [A]
94. The proposals would make a very substantial contribution to meeting housing needs, both in Ramsey/Bury and in Huntingdonshire in general. This would be consistent with a raft of well-known Government policy statements, including PPS 1, PPS 3 etc. as detailed in [A, section 3.6]. Affordable housing needs are described in [P]; it is very clear that the application proposals would deliver far more, much needed affordable homes than the Council's scheme could deliver, even assuming grant were available. And they would be built to a higher CSH level. [A]
95. The application site is suitable, available, and deliverable, as required by PPS 3. That is clearly demonstrated by the whole burden of the applicants' evidence. [A]
96. It should also be noted that the proposals would meet the aims of the non-statutory Ramsey Area Partnership Healthcheck Strategy and Action Plan, (2004), and those of the Council's Employment Land Review 2007. [A]
97. They would also be compliant with the relevant policies in the recently published PPS 4, *Planning for Sustainable Economic Growth*. In general, this takes a positive and proactive approach to economic development, in part to assist in regeneration; this contrasts markedly with the Council's negative approach to the employment related proposals at the appeal site. [A, AR]
98. [AR] is in part a rebuttal of the Council's policy evidence in [M]. In particular, that partial and misleading evidence fails to recognise the proposal's essential

character as an integrated, mixed-use development; it is considerably more than the sum of its parts. It also fails to assess the development plan policies as a whole, many of which support it. As for the saved structure plan policies cited by the Council, these are out of date and should be given very little weight. In addition, [M] fails to accept fully that EEP housing figures are minima, not targets. Not least, the Council's approach completely fails to provide any reasonable or acceptable planning solution for the large part of the site which would not be remediated, but would continue to decay. [AR]

99. ii) Highways and transport. The application transport proposals were drawn up in the light of the relevant transport policies in PPG 13, the EEP, the HCS, and other local policy documents, as listed in APP8 (see Annex 2).
100. The proposals conform with these policies, and it is emphatically not accepted that they would not be sustainable in transport terms, as the Council has claimed. On the contrary, the development would be accessible by travel modes other than the car, would achieve some modal shift away from the car, and would significantly improve the accessibility of Ramsey by public transport, as well as providing new or improved pedestrian and cycle routes. Nor would they have an unacceptable impact on the local road network. [H]
101. The relevant proofs of evidence etc. are listed in SCG 4 and in Annex 3. By no means all of the transport evidence is in dispute. However, the Council's evidence [C] identified some areas of disagreement with the applicants. In brief, the applicants' main conclusions on these are as follows: firstly, the 400 car parking spaces proposed for the business park within the development is an appropriate level of provision. This has subsequently been agreed [see CR, para 2.3]. [H]
102. Secondly, despite the Council's doubts, the proposed public transport improvements - specifically, the new bus services - will become viable in the long term. This is because of the length of time (10 years) they will be subsidised by the developer, the scope for achieving some modal shift, and the potential fare revenues generated both by development trips and non-development trips. [H]
103. Thirdly, it is accepted that the High Street/Great Whyte junction in Ramsey is physically constrained, and cannot readily be physically altered; therefore it will be necessary to introduce traffic management (i.e. traffic calming) in potential rat-running streets nearby. The applicants will make a suitable financial contribution to this, thereby doing their share towards mitigating the problem. Fourth, a further financial contribution will amply mitigate development-related congestion and traffic safety problems at The Raveleys. [H]
104. To address these 4 matters in more detail - first, the business car parking provision. The rationale for the 400 spaces proposed is set out in [H, section 5.1]. This is no longer in dispute, and therefore requires no further comment. [H]
105. Second, the long term viability of the public transport improvements. This is described in [H, section 5.2]. In brief, the improvements include: alterations to route 31 (Peterborough/Ramsey); re-direction of route 31 into the proposed neighbourhood centre; a new service 30a, which will also enter the site; improving the frequency of route 30; and co-ordination of the timetables for routes 31 and 30a. [H]

106. Together, these changes will significantly improve public transport in the Ramsey area. The Secretary of State will doubtless appreciate that such an improvement is only deliverable when supported by a major development. The amount of development envisaged in the HCS could not deliver such improved levels of bus services. [H]
107. The long term viability of these service improvements depends of course upon the relationship or balance between future service running costs and the likely revenue generated. On the costs, it was originally thought that 4 additional buses were needed, at a cost of £120,000 per bus per annum. Upon further investigation, this was subsequently revised to 3 additional buses, at a cost of £160,000 per bus per annum. The level of subsidy amounts to £480,000 per annum (£4.8m. over 10 years). [H, HR]
108. The revenue from fares comprises 2 elements – the bus trips generated by the development, and the non-development-related trips. The number of daily trips is calculated from the estimated modal split. The travel plans aim to achieve a 15% reduction in private car use, which will shift many trips onto buses. From this is derived the estimated bus fare revenue per annum. [H]
109. The applicants are committed to providing long-term (10 years) financial support for the new and improved bus services. The increased frequency of buses will make bus use significantly more attractive, compared with existing provision. However, even with modern computer programmes (such as TEMPRO) it is very difficult to predict the level of bus usage several years ahead. Nevertheless, they indicate that there is a good likelihood of the proposed improvements to bus services becoming viable, without developer subsidy, in the long term. [H]
110. The third point of disagreement with the District and County Councils concerns traffic impact at the High Street/Great Whyte junction and at The Raveleys, 2 small villages a few kms. south of Ramsey. The proposed mitigation for these acknowledged issues is set out in [H, sections 5.3 and 5.4].
111. The former is the key road junction in Ramsey town centre. Addition of the development traffic would certainly increase queuing and delays at what is already a congested junction in peak traffic. This has been studied in detail in the traffic assessment, and since there are very limited options for increasing the capacity or improving the operation of this junction, rat-running is likely to occur. But that certainly should not preclude the development going ahead, especially considering the many benefits it would bring to Ramsey. [H]
112. In traffic terms, the best solution is to mitigate the effects of rat-running - which admittedly could not be eliminated - by traffic calming. That would ensure the safety and free flow of traffic, and the safety of pedestrians and other road users. Modelling of the development traffic, plus other sources of additional traffic, enables the calculation of a reasonable cost to the applicants of mitigation by way of traffic calming. Similar calculations have been done to derive reasonable contributions by the applicants towards the cost of highways improvements in The Raveleys. [H]
113. To conclude, the traffic impacts of the proposed development can be appropriately mitigated. Its transport enhancements fully support the policy objective, at national, regional and local levels, of encouraging sustainable travel.

Thus, in short the Council's objections to the traffic and transport aspects of the scheme are unfounded. [H]

114. [HR] amplifies some of the themes above in the light of the LHA's evidence in [C], and the Council's in [Wh] - in particular the matters of bus service viability, bus service convenience, lack of Sunday services and consultations with Stagecoach, the main local bus operator.
115. The viability appraisal shows that 3 of the 4 additional buses required to deliver the proposed public transport improvements will be self-supporting at the end of the 10 year subsidy period. It is based on robust estimates of future fare revenues for development related trips, both with and without the impact of travel plans, and TEMPRO- based predictions of non-development related trips. A 25% increase in bus patronage is considered to be achievable (and as suggested by experience with the Government's Kickstart scheme in comparable areas). [HR]
116. As for bus service convenience, the proposed bus service enhancements will be sufficiently convenient to offer a genuine alternative to the car for some trips, notably to Huntingdon and Peterborough. The LHA's doubts on this score are unfounded. Sunday services are not considered necessary. [HR]
117. The Councils have complained about the lack of consultation with Stagecoach, but the documents APP2 and APP7, received at the beginning of the Inquiry, are both supportive of the proposed bus service enhancements. APP2 states that "...in all probability the network will be enhanced by three to four buses over the period... (and) the contribution of £4.8m. paid over the ten year period of initial operation will be sufficient to ensure the viability of the local bus service in the future." Given Stagecoach's long experience with operating local bus routes, that endorsement should carry much weight.
118. iii) Commercial property market. [W] describes the demand for and supply of business premises in Cambridge, Peterborough and Huntingdon, as well as in smaller centres including March, Chatteris, Market Deeping and Ramsey. It refers also to their communications links [W].
119. Historically, and compared with those other centres the commercial property market in Ramsey/Bury has been very limited. This is owing mainly to a lack of speculative development over the last 20 years, with the existing supply of industrial/warehouse premises generally rather old and "tired". The town has very little existing office development. [W]
120. Ramsey's relatively low level of commercial provision arises from several factors. Principal among these are: competition from more established centres; the relatively small resident population (about 8,000); its rural location; and market failure due to the lack of delivery of the Northern Gateway site. [W]
121. Future provision for Ramsey has been limited to the Northern Gateway site, where permission for 215,000 sq. ft. of mixed commercial development has been granted, in conjunction with a new Tesco superstore (now completed and trading). To date the Northern Gateway has not come forward, probably because of infrastructure constraints. [W]
122. Demand is difficult to quantify at any time, particularly in the current poor economic climate of recession. Nevertheless, there is little vacant stock in the

town (perhaps 5% of total stock). Low vacancy levels in the current climate may indicate a relatively good level of demand combined with limited levels of supply. Latent and increasing demand may be expected in a period of recovery and economic growth. [W]

123. Demand often becomes apparent where there is vacant and readily built stock available. Otherwise, demand may never show itself but be attracted to competing markets where stock is available. This is particularly so with small and medium sized enterprises (SMEs). The lack of new business premises leaves Ramsey exposed to the risk of businesses relocating away from it, and inward investment not even considering it as a location. [W]
124. In terms of new business investment, its relatively poor communications are acknowledged to be an issue and a significant constraint for Ramsey. Unlike Huntingdon, Peterborough and Cambridge, it has no ready access to the A1 or A14. That puts it at a disadvantage compared with those centres. However, some less accessible towns - Chatteris and March in the neighbouring district are local examples - have expanding business sectors, based mainly on farm products. Fenland DC in particular recognises the need to limit out-commuting by retaining and stimulating business investment in such towns. [W]
125. The provision of the right type of new business premises in Ramsey would help to stem its own out-commuting. Together with additional housing, both existing business occupiers looking for better premises, and inward investors would be able to draw upon an immediate labour catchment. As already noted, the supply of commercial space in Ramsey at present is poor; if there is no significant new supply, demand (particularly from "footloose" enterprises) will migrate to other towns [W]
126. The HCS proposes an allocation of 9 ha. for commercial development in Ramsey, 7 ha. to be on greenfield land and 2 ha. on PDL (at RAF Upwood). But there are grounds for thinking the Northern Gateway will not come forward, based on the lack of development there hitherto. [W]
127. In sum, if developers are to invest in speculative development to drive demand, a certain critical mass is required. 2 ha, as proposed in the HCS, is not enough for a developer to invest the funds required to bring the land at RAF Upwood into use. [W]
128. [WR] addresses some of the points made by the Council's evidence in [Mat]. In brief summary: past take-up rates do not necessarily indicate future demand for commercial space; the appellants are committed developers prepared to build speculative development in order to stimulate demand; there is a pool of skilled labour in Ramsey, but at present it commutes to other centres owing to a lack of local employment opportunities; the sale of the hangars at RAF Upwood demonstrates that new employers are willing to relocate there. These are all reasons to be cautiously optimistic about the prospects of take-up of the 10 ha. commercial element of the appeal proposals. [WR]
129. iv) Viability and infrastructure costs. The appellants have used a bespoke residual land valuation model to appraise the appeal scheme. Its inputs are largely, but not entirely agreed with the Council's consultants. [L]
130. [L] addresses both the viability of the appeal scheme, and that of the Council's preferred scheme (150 dwellings and 2 ha. employment land). The results,

showing residual land values (i.e. the value created by each scheme), are in [L] tables 6.1.1 (Council scheme, with public subsidy), 6.1.2 (appeal scheme, with public subsidy), 6.1.3 (Council scheme, with no public subsidy) and 6.1.4 (appeal scheme, with no public subsidy). [L]

131. The appraisals also vary according to the CSH level (rising through: basic; level 3-4; level 5) and the proportion of affordable housing (rising through: 0%; 20%; 40%.) [L]
132. They clearly demonstrate that the Council's scheme is not financially viable under any scenario. The residual value of that scheme is significantly lower than site purchase and holding costs. [L]
133. The appeal scheme however is viable, giving positive returns on investment, with 20% affordable housing. Moreover, it is capable of making a significant contribution in absolute terms towards affordable housing needs (130 units), while making optimum use of PDL, and generating a modest annualised return of 1.8% to the applicants. [L]
134. Without social housing grant, the appeal scheme could provide 11% affordable housing, assuming 70% social rented and 30% intermediate housing. [L]
135. Some of the assumptions underlying the foregoing appraisals should be highlighted. First, the appeal scheme dwellings would comply with CSH level 5. The appraisal assumes a dwelling mix which is roughly evenly split between 2, 3 and 4 bed houses for sale. The Council has supplied the affordable housing unit mix and tenure split. Assumptions are made about the respective market house values, which are expected to rise throughout the development period, and the affordable housing values, with and without social housing grant. [L]
136. Based on estimated rents and yields, the appeal scheme's 10 ha. of employment space is assumed to have a capital value of about £22.2m, compared with about £4.45m. for the 2 ha. in the Council scheme. [L]
137. Build costs for both schemes are estimated at about £67 per sq.ft. for houses; £70 for flats and £54 for employment space. An additional cost for CSH level 5 is included in the appraisals. [L]
138. The cost of demolition, remediation, servicing and landscaping is estimated at about £21m. for the appeal scheme, and £6.9m. for the Council scheme. [L]
139. The cost of installing a district heating scheme in the appeal proposals would be about £5.8m (recoverable through charges to households). S106 contributions are assumed at about £8.8m. for the appeal scheme, and about £307,000 for the Council scheme. [L]
140. On phasing, the Council scheme could be developed in a single phase, taking about 24-30 months, with the appeal scheme taking about 10 years up to the final unit sale. [L]
141. The site acquisition costs, comprising 3 contiguous land parcels, totalled £3.95m, but with the subsequent sale of the hangars for £1.9m, net land acquisition costs were £2.05m. The site acquisition price would have reflected both the Defence Estates' (the vendors) view of value at that time, and the appellants' reasonable bid in view of the prevailing planning context. In particular, there was the prospect of permission being granted for a substantial

- housing scheme. The acquisition price was also reasonable in comparison to other land transactions in Huntingdonshire at around the same time. [L]
142. In addition to the net acquisition costs, the appellants have incurred some £2.64m. holding costs since 1999, comprising compound interest on the acquisition costs, plus planning costs, less income from grazing and paintballing/wargame activities. [L, SCG5A]
143. It is reasonable for the appellants to seek to recover the full costs of site purchase and holding costs from whatever scheme is assessed. Therefore the site purchase, holding costs and planning costs are included in the appraisals and total some £4.69m. [L, SCG5A]
144. It is assumed that the value of the Council scheme, which requires only about a quarter of the land required by the appeal scheme, must cover the applicants' full acquisition and holding costs. [L]
145. [LR] responds to the Council's viability evidence in [D]. Three broad points in particular should be noted: first, [D] is needlessly critical of the approach adopted by the appellants, and it does not recognise the long history of negotiations on the appeal site between them and the Council; second, its approach to assessing viability involves a high level abstraction that is not reflective of the market in the "real world", and the costs and risks borne by developers; and third, it double counts certain costs in trying to show that the appeal scheme is unviable when no grant is available. [LR]
146. v) Affordable housing. Numerical details of the high level of need for affordable housing in Huntingdonshire, and in the Ramsey SPA, are in [P]. There is no dispute that the proposals can and should provide a significant amount and proportion of on-site affordable housing. The question is, how much and in what proportion of the total housing provision. It is anticipated that the proposals would provide up to 20% subsidised affordable housing, to be delivered in clusters and distributed across the residential development phases. [P]
147. In deciding what proportion of affordable housing should be provided, up to date evidence on viability is crucial. This is emphasised in various relevant Government policy statements (particularly PPS 3 and its related documents), as well as in Inspectors' reports on appeals and Secretary of State decisions. [P]
148. In brief, national guidance requires that affordable housing targets are grounded in the findings of a SHMA (strategic housing market assessment), are reasonable (as required by Circular 05/05, *Planning Obligations*) and are robustly viability-assessed by the LPA. Recent appeal decisions confirm the need for up to date evidence, and the importance of present market values when assessing the viability of affordable housing provision. [P]
149. Policy H2 of the EEP sets a broad regional overall target of 35% affordable housing on qualifying housing schemes, but this does not specify that individual core strategies or individual housing schemes should adhere to this figure. And, whilst HCS policy CS4 aims to achieve 40% provision, such a figure is entirely reliant upon grant funding, and it is acknowledged that Ramsey in particular is one of the areas in the district which is least able viably to support affordable housing provision. [P]

150. In fact, the viability study which informs the HCS does not demonstrate that 40% affordable housing is viable without grant funding. The Council's affordable housing supplementary planning document allows for affordable housing targets to be varied where there are demonstrable viability issues. Therefore, flexibility and realism are key. The applicants' evidence on viability [see L and SCG5A] shows that the scheme can support up to 20% affordable housing, divided between 70% social rented dwellings and 30% intermediate (the mix preferred by the Council), but that is the maximum amount the scheme could viably provide overall. 20% of 650 is 130 units. [P]
151. 130 dwellings would represent a very significant addition to the district's stock of affordable housing, and is a highly material consideration in favour of allowing the appeal and granting planning permission. [P]
152. The HCS includes flexible targets and refers to the viability of provision. The policies allow for cascade mechanisms within planning obligations to enable the investment of public subsidy. Thus the proportion and amount of affordable housing can be varied where, as here, there are proven viability issues. If insufficient grant is available to achieve the Council's preferred tenure mix, then either the overall proportion of 20% will be maintained with the tenure balance shifted towards intermediate housing, or it will be reduced to 11%, with the preferred mix maintained. [P]
153. The proposed method of delivery through the planning obligation would also ensure that matters including location and clustering, management of subsidy, and nomination provisions will be dealt with in accordance with national and local guidance. [P]
154. All of the affordable dwellings would be transferred to an affordable housing provider that is either registered with, or accredited by the Homes and Communities Agency. In principle, the provider would be able to access public subsidy in the form of grant funding.[P]
155. 2 alternative versions of a planning obligation have been completed and executed [App 24], as described in section 14. One of them - the appellants' preferred version, owing to its comparative simplicity - is based on an affordable housing provision mechanism in a recent Secretary of State decision (the Beverley decision).
156. To conclude with [P], the proposals therefore represent the maximum amount of affordable housing that can be supported without prejudicing the entire development. It will provide high quality accommodation for a range of households, many of them currently in very unsatisfactory housing, and from across the district. There is no conflict with any development plan policy; indeed, the proposals would more than meet the affordable housing objectives of the HCS. [P]
157. [PR] is rebuttal evidence in respect of the Council's case in [Ma, M and D]. [Ma and M] confirm that the Council considers that: the level of need for affordable housing across the district exceeds the anticipated level of supply; all opportunities to maximise affordable housing delivery should be taken; there are a significant number of households in need who have expressed an interest in the Upwood area; and that the availability of grant funding is important in respect of the viability of affordable housing provision. [PR]

158. [D] contains 2 fundamental flaws. First, it assumes that a scheme is viable as long as it has a residual value that equals or exceeds the existing use value; and second, it ignores the role and relevance of acquisition costs in its viability assessment. Both propositions are unrealistic, and untenable. Indeed, the overall thrust of [D] presents a hypothetical scenario as opposed to "real world" economics. That approach would prevent development taking place, and would therefore harm the Government's overarching objective of increasing housing supply. It is not supported by recent appeal decisions, and, it might be noted, does not seem consistent with the same witness's approach to assessing viability at previous planning forums. [PR]
159. [PR2] details, by reference to recent good practice documents, further methodological criticisms of the Council's evidence on viability.
160. vi) Planning control. On PDL, the Council says there is no presumption in favour of its use. However, there is a very clear and undisputable policy objective, at all levels, of prioritising and maximising it. The fact that there is so much PDL at the appeal site should weigh heavily in favour of its development. In fact, the appeal site is the only major opportunity for development on PDL in the Ramsey SPA, and any alternative would inevitably be greenfield. [A, AR]
161. While the whole of the appeal site is not PDL - and the appellants have never argued that it is - that part which is proposed for built development is PDL. The remainder is proposed for landscaping and other "green" uses. The Council has misconstrued the advice in Annex B of PPS 3, and as a result seriously underestimates the extent of PDL. [AR]
162. The proposals are in outline, and much detailed design work would fall within the reserved matters stage, guided by an approved master plan and design brief. But, starting with the design and access statement, the evidence to this Inquiry abundantly shows already that this integrated mixed use development would be exceptionally well designed and laid out. It would greatly enhance the character and appearance of the site and its surroundings. With its extensive landscaping, it would not harm the surrounding countryside in any way, nor any of the nearby housing areas. It would have no significant impact on the nearby village of Upwood. And it would be far better linked to, and integrated with, Ramsey/Bury than the site has ever been historically. [A, AR]
163. vii) Conditions and planning obligations. (See sections 13 and 14).

9 The Case for Huntingdonshire District Council [the local planning authority] The material points are:

164. i) Planning policy. The decision in this appeal should be taken in accordance with the provisions of the development plan, since material considerations do not indicate otherwise. [M, S]
165. The EEP is the current RSS, and is agreed to be generally up to date and relevant to the application and appeal. The application would be contrary to its policies SS1 (Achieving Sustainable Development), SS2 (Overall Spatial Strategy) and SS4 (Towns other than Key Centres and Rural Areas). [M]
166. These policies refer in part to LDDs and rely on them for their implementation; while the HCS acknowledges that large parts of the site are PDL, it concluded that the large scale development proposed would be unsustainable given its

relatively remote rural location. Moreover, the amount of housing proposed - 650 dwellings - would lead to increased car commuting, while the level of employment is unrealistic for this location, and not realistically deliverable. [M]

167. EEP para. 5.2 refers to pressurised housing market areas, such as around Cambridge (the defined Cambridge sub-region) where housing growth should be maximised as there is strong market demand and acute affordability problems. In other areas, mainly towards the north and east of the region (such as the Peterborough sub-region), the emphasis in the EEP is on housing development in step with economic growth, and without increases in long distance commuting. [M]
168. The Cambridge sub-region includes the 3 Huntingdonshire market towns of Huntingdon, St Neots and St Ives, while Ramsey is in the Peterborough sub-region. Policy CSR1 (Strategy for the Cambridge sub-region) sets out a sequential approach to development down to the sub-region's market towns and key service centres; this applies to Huntingdon, St Neots and St Ives but not to Ramsey. In the Peterborough sub-region, policy PB1 (Peterborough Key Centre for Development and Change) promotes growth and regeneration of Peterborough. It recognises that the town's influence extends over a wide area, but there is no corresponding sequence for development as in the Cambridge sub-region. [M]
169. When consulted on the application, The East of England Regional Assembly (EERA) concluded that it was not in accordance with the EEP, given that Ramsey/Bury is in a relatively remote location with limited transport infrastructure. It noted that while EEP housing figures should be treated as minima, the quantum of housing in the application represented a significant increase over that in the HCS. EERA's objection should carry considerable weight in this Inquiry. [M]
170. The proposals are contrary to policy CS1 (Sustainable Development in Huntingdonshire) in the HCS. This is a very recently adopted plan, which was found to be sound by the examination Inspector (who, it must be emphasised, had ample knowledge of the applicants' case). The proposals are unsustainable in the terms of this policy, given the location and the likelihood of increased car commuting to jobs in Peterborough and Cambridge etc. [M]
171. HCS policy CS2 (Strategic Housing Development) directs strategic housing growth to Spatial Planning Areas (SPAs). Most housing and employment is directed to the Huntingdon and St Neots SPAs, while in the two smaller SPAs of St Ives and Ramsey growth is much more modest. [M]
172. In the Ramsey SPA, "at least 300 homes" will be provided in the plan period to 2026. It is worth citing this part of policy CS2 in full: "Of these, at least 250 homes will be on PDL, about 50 will be on greenfield land, and about 120 will be affordable. Provision will be made in the following general locations: in employment-led mixed use redevelopments to the west of the town, to the north of the town and redevelopment of PDL within the built-up area of the town". [M]
173. This modest but nevertheless appropriate level of growth reflects the fact that Ramsey is by some way the smallest, most remote and least sustainable SPA. It is not in the Cambridge sub-region, and is off the main road network. It is only accessed by "B" and "C" class roads. It has relatively few services and facilities, compared with the other 3 SPAs. [M]

174. Very importantly for this appeal, the scale of development appropriate in the Ramsey SPA was found to be sound by the Inspector at the recent HCS examination. Whatever the applicants' complaints, and despite their chagrin about it, that simple fact cannot be ignored or evaded. The Inspector agreed with the Council that greater housing growth would only lead to more unsustainable out commuting, which (as the applicants themselves acknowledge) has long been a feature of Ramsey's economic and social life. [M]
175. To sum up the foregoing points: the modest scale of housing growth for the Ramsey SPA reflects its location outside the Cambridge sub-region; its relatively remote location away from the main road network; the need to reduce the imbalance of jobs and housing in order to reduce commuting; the limited shopping and community facilities in Ramsey; and its limited ability to attract new employment. [M]
176. Turning to housing supply, the HCS housing requirement (300+), including 250+ on PDL, can be met without increasing the scale of development at RAF Upwood beyond that envisaged by the Council (i.e. about 150 dwellings). Thus provision can be made for 250+ dwellings on PDL to 2026, made up as follows: commitments on PDL since 2006 – 103; Old Railway Yard site – 70; Upwood Hill House (RAF Upwood - site 2 in SHLAA 2008) – 35; RAF Upwood – site 11 in SHLAA 2008 – 100. Total on PDL – 308. [M]
177. The Council's Planning Proposals DPD, currently in preparation, will bring forward an appropriate allocation for RAF Upwood. As the Secretary of State will be aware, the DPD is required by the Local Development Regulations (2004/2008) to be in conformity with the HCS. [M]
178. It should be noted that the scale of housing proposed in this appeal is very much greater than envisaged by the HCS (over 4 times as much!) Clearly, therefore, it is not in conformity with it. There can be little argument about that. In terms of strategic planning, there is no justification for it. If this appeal is allowed, development in the Ramsey SPA could total up to 900 dwellings, compared with the 300+ envisaged by the HCS. In practical terms, it would undermine the HCS strategy of directing most development to the most sustainable locations, lead to more car commuting, and also divert the housing market and investment in infrastructure away from more sustainable locations. The appellants' bland assertion that it would not undermine the strategy is nonsensical. [M]
179. As for employment provision, HCS policy CS7 (Employment Land) for the Ramsey SPA proposes "at least 9 ha. of land, of which at least 2 ha. will be on PDL and about 7 ha. will be on greenfield land...provided in the following general locations: in an employment led mixed use redevelopment for B1 and B2 uses to the west of Bury (and) in a mixed use development in a previously identified location to the north west of Ramsey". It should be noted that the former refers to RAF Upwood and the latter to the so called Northern Gateway, close to the town centre. It is highly unlikely that the commercial employment land market could bear more than 2 ha. at RAF Upwood (see also [Mat] below, commercial property market). [M]
180. Apart from the policies in the EEP and the HCS, a few other saved policies remain relevant. In particular, Cambridgeshire and Peterborough Structure Plan (2003) Policy P10/3 is still extant. This covers several north Cambridgeshire

market towns, including Ramsey. At Ramsey, the policy states that new development should "encourage appropriate small to medium scale employment opportunities" and "provide limited and small-scale new housing development appropriate to (its) role as a focus for the rural hinterland". The appeal proposal is far in excess of these limited requirements, and is clearly contrary to this policy. [M]

181. At this point, it is worth a brief comment on historic planning policy for Ramsey. Although there have been various land allocations, under previous development plans, over the last 20 years or so, for various reasons these have not come to fruition, and the town has not grown significantly. This is largely because Ramsey has always been constrained by its relative remoteness compared with other urban areas in the district, its small employment base, and very limited public transport. Indeed, Ramsey is the least balanced, in terms of homes and jobs, of all Huntingdonshire's market towns, the least well served by public transport (including the loss of its railway), and the one with the highest dependence on the private car. In its realism, the HCS recognises all this. The application scheme, emphatically, does not. [SR]
182. The Secretary of State will hardly need reminding that this Inquiry is not the correct or appropriate forum for examining the HCS. That has already been done, and quite recently. The applicants were not able to persuade the Inspector that the draft HCS was unsound, nor to endorse any major growth at Ramsey. And, given their own involvement in that examination, their complaints about the Inspector's conclusions are just sour grapes, and should be regarded as such, and rejected. The HCS has determined that, given its constraints, Ramsey/Bury is simply not a suitable location for such a large scale housing development. The HCS is also clear that development there should not be housing-led. These overriding considerations cannot be "trumped" or outweighed by the mere presence of PDL at RAF Upwood. [SR]
183. A few additional, miscellaneous points arise from the applicants' evidence in [A and AR]. First, contrary to their mistaken assertion, the Council is indeed anxious to encourage the regeneration and prosperity of Ramsey. But this involves taking a positive approach to employment-led (not housing-led) development, which will help redress the current imbalance of homes and jobs. [MR]
184. Second, while the applicant claims a need to "make the most" of PDL, there is no good reason to develop all of it in this plan period, if that would conflict - as it does - with strategic policies. Some could well remain as a strategic reserve of land if required in the longer term. But that is a decision that must properly be left to a future review of the HCS. [MR]
185. Third, the applicants' criticisms of the HCS Inspector are misplaced, especially as he was well aware of their case - but simply did not accept it. He was fully entitled to do so, and to support the Council. [MR]
186. Fourth, the comparisons between Ramsey and Chatteris (in a neighbouring district) are neither very relevant, nor helpful. Chatteris is in the Cambridge sub-region, and in the most accessible part of that neighbouring district, and, in any event, is also subject to different planning policies. [MR]
187. In addition, the Secretary of State should bear in mind that the appellants bring no case at all on general housing land supply. The Council has an adequate

supply. In December 2009, this stood at some 9.5 years supply [SR app.1], a figure which is not contested at this Inquiry. And yet, although the application scheme is described as being for a balanced mixed use, it would in fact be housing-led, with little prospect of the employment land being taken up, or producing many new jobs. [SR]

188. To conclude this section on planning policy, the Secretary of State will not need reminding that an important role of the development plan system is to provide local authorities, developers, infrastructure providers and the public with a high degree of certainty. PPS 12 emphasises that point. In this case, the EEP and - particularly - the HCS give very clear indications as to an appropriate level of growth for Ramsey over the plan period. This is very much less than is proposed by the appellants. The HCS was subject to sustainability appraisal and strategic environmental assessment, and significant changes to that level have not been tested. To allow this appeal would be to undermine the certainty which the HCS should bring, and to undermine the public's faith in the development plan system. [M]
189. ii) Highways and transport. SCG 3 refers both to agreed matters and others where the Council (and Cambridgeshire County Council) maintain objections to the proposals.
190. To begin with a brief overview - despite the agreed matters, both Councils consider the appeal site to be poorly located in relation to existing facilities and services, and the road network. The development would be a major traffic generator, but would be sited in a location where the opportunity to travel by modes other than the private car would be very limited. It would be car dominated, and, with about 80% of all journeys by private transport, very car dependent. Thus, despite the proffered investment in new and expanded bus services, the development is inherently unsustainable in transport terms. This would be contrary to national, regional and local transport policies. [C, CR]
191. It is accepted that the applicants' package of transport measures would have some effect in improving transport sustainability. However, this would be very limited. The car would be by far the most used form of transport, both for residents living at the site and employees travelling to and from it. Overall, the public transport (bus) services provided would not be sufficiently convenient to replace the car for many trips. The travel distances to Peterborough, Huntingdon, and other employment centres are considerable, and car journeys would be much quicker than by bus. [C, CR]
192. The applicants' claims regarding the long term viability of the new bus services are not convincing, and there would be no Sunday service. [C, CR]
193. Traffic generated by the scheme would have a significant impact on Ramsey and local villages. In Ramsey, it would cause greatly increased queuing, especially at the High Street/Great Whyte junction, delays, and rat running through residential streets. [C, CR]
194. Turning to some details in support of the preceding points - the applicants have under-estimated the annual cost of running a bus. They have also miscalculated (i.e. over-estimated) the bus revenues generated both by development trips and non-development trips. Their 15% estimated reduction in car trips, by virtue of their travel plans, is over optimistic and therefore not realistic. Even with the most optimistic of predictions, they can only show that 3

buses would be viable, and not the 4 they are proposing and which their public transport strategy relies upon. Crucially, the applicants have not demonstrated that the services would become viable after the initial 10 year developer-subsidy period. In that event, most likely they would be withdrawn. [C, CR]

195. On the development traffic impact at High Street/Great Whyte, this would be very considerable, irrespective of whether this highly constrained road layout remains as a priority layout, or is modified to become signal controlled. The inevitable result would be rat running in nearby residential streets. The streets in question are all narrow, with on-street parking, and 2 with primary schools. While traffic management measures (such as conventional build-outs) could in theory be implemented, these would probably be unpopular with local residents, and not, therefore, supported by the County Council. Thus there is no guarantee that traffic management on these streets could or would be implemented, and the congestion/rat running problems would greatly worsen the safety and free flow of traffic, and the safety of other road users. [C, CR]
196. That said, if the appeal is allowed it is accepted that there remains the possibility of agreeing acceptable traffic management measures. But these would have to be paid for and provided by the developer, in compliance with Grampian-type planning conditions, and not by the local highways authority. [C, CR]
197. A similar condition could be imposed to secure developer-funded measures to mitigate congestion at critical road junctions at The Raveleys, small villages to the south of Ramsey. [C, CR]
198. The applicants' travel plans assume that a 15% modal shift in peak hour car trips would be achieved. Given the characteristics of the site, its location, and its relationship to Ramsey, this is simply not credible. The actual modal shift is difficult to predict, but would be much less than 15%. [C, CR]
199. On the proposed cycle measures, it is accepted that the applicants have offered an acceptable sum towards off-site infrastructure, which would be part of a planning obligation. [C, CR]
200. In sum, the Councils maintain a strong objection to the proposals on traffic and transport grounds. [C, CR]
201. iii) Commercial property market. SCG 2 contains numerous detailed points relating to the local commercial property market which are agreed and not agreed. In broad overview, the main difference between the parties is the relative optimism of the applicants regarding the prospects for economic growth (and hence both delivery and take-up of any new business premises) in the Ramsey/Bury area; and the relative pessimism and realism of the Council.
202. The Council's views are in [Mat and MatR]. The 2007 Employment Land Review (CD6.4), which informed the HCS, is key. This report identifies 3 principal employment areas in Huntingdonshire: north, central and south. Ramsey/Bury is in the north area. The report shows that demand for employment land and sites has been strong in the central and southern areas since the mid-1990s, but weak in the north. Thus the majority of new employment land should be concentrated in the central and southern areas, and not in the north. The HCS reflects that. While not inexorable, these past trends are a broadly reliable guide to future trends. [Mat]

203. Most existing employment uses in Ramsey tend to be "low-tech" in nature, with a high proportion of B2 and B8 uses. Ramsey has not been successful in attracting newer types of industry, owing to its relatively remote location and poor links with the trunk road network, and a general lack of facilities for staff. [Mat]
204. Historically in Ramsey, there has been some speculative industrial development, but virtually nothing in recent years despite strong market conditions over much of the last decade (and until the recent downturn or recession in the economy). There has been no speculative office development owing to a lack of demand. [Mat]
205. Rents for industrial units are significantly lower than the levels typically achieved in Huntingdon, St Neots and St Ives. Office rents (if there were any demand) would also be significantly lower. Most of the existing floorspace is small, with few units above 500 sq.m. [Mat]
206. The take up of business space (B1c, B2, B8) in the Ramsey area over the last 6 years (2004-2010) has been about 3,720 sq.m. (40,000 sq.ft.) In Huntingdon, for comparison, it was about 20 times as much (50,000 sq.m.) [Mat]
207. There is little serviced land currently available for development in Ramsey, although there is a significant and longstanding allocation at the Northern Gateway, where a planning application for 6.5 ha. is currently pending. For comparison, there are 12 ha. of land available at Huntingdon and 11 ha. at St Ives. As a result, there will be very little demand from Huntingdon and St Ives-based companies to relocate to Ramsey. [Mat]
208. As for the future, any demand at Ramsey will come from smaller companies seeking mainly industrial and warehousing space. Whilst land values remain competitive at Ramsey compared with the larger centres, end values are also low making speculative development difficult to justify economically. [Mat]
209. Demand at Ramsey for business space might be up to 0.75 ha. per annum. Demand would be greater for the Northern Gateway, which is more central and better located, than at RAF Upwood. Given that, the Council's best estimate is that there might be demand for about 0.3 ha. per annum at RAF Upwood. The combined allocation of the Northern Gateway site plus 2 ha. at RAF Upwood is likely to prove sufficient for at least the next 12-15 years, even allowing for some increase over historic levels of take up. [Mat]
210. Thus there is no credible justification for 10 ha. of employment land at RAF Upwood, as proposed by the applicants. [Mat]
211. A few miscellaneous points arise from the applicants' evidence (in [W]). Most employment development in Ramsey consists of small, light industrial and warehouse units in the St Marys Road/Highlode area north of the town centre. The lack of new development over the last 15 years results from the low level of demand and the low level of achievable values. The opening in 2009 of the new Tesco store, hard by the Northern Gateway, can only help to stimulate business development there. In general, the low existing employment base in Ramsey limits any opportunities for business expansion, including from local companies. [MatR]

212. iv) Viability and infrastructure costs. First, an overview of the Council's viability case: Tables 3 and 4 in SCG 5A show the viability of the appeal scheme and the Council's preferred scheme. Table 3 assumes the availability of grant/public subsidy; table 4 does not. The results also vary according to different scenarios based on the CSH level, and the proportion of affordable housing. Benchmarked against existing use values (EUV), Table 3 shows that, with grant, the Council's preferred scheme for 150 houses would be viable with 20% affordable housing, and at CSH level 3/4 (which is above current national requirements). Table 4 shows that, without grant, the Council's scheme would be viable with 10% affordable housing. On either basis, but particularly on the former, the site would produce a significant number of high-quality affordable homes. [SCG5A]
213. It is only fair to say that the appeal scheme (see also Tables 3 and 4) would also be viable under some scenarios, and owing to its much larger scale could potentially bring forward more affordable housing than the HCS scheme. However, for the purposes of this Inquiry it is more important to demonstrate the viability of the Council's preferred scheme, because that is the more sustainable of the schemes in planning terms, and the one which is supported by the HCS. The appeal scheme, for the reasons given above in [M], is not.
214. Crucially, these conclusions are based on residual values using EUV as the benchmark. This is a tried-and-tested and indeed conventional mode of viability analysis. There is no good reason not to follow it in this case.
215. For their part, the applicants have arrived at different conclusions on the highly dubious premise that the benchmark should be based on the site acquisition cost (£2.05m net), plus the holding costs, including interest charges, since it was bought by them in 1999 (a total of £4.69m). But, from their own evidence, it seems likely that they "paid too much" for the site back in 1999, on the mistaken assumption that large-scale development would be approved. In the event, it was not.
216. As for the holding costs, these too should not be taken into account; and certainly not for the extremely lengthy period of 11 years! Perhaps understandably from a commercial point of view, the applicants are now attempting to make good their accumulated losses, but in a new (HCS) planning context, and in much changed market conditions. However, the Secretary of State will appreciate that it is not the role of the planning system to "rescue" such bad investments by granting planning permission, nor to insulate developers against the normal risks they take when acquiring their sites.
217. The Council also strongly contests the applicants' apparent assumption (asserted throughout this inquiry with reference to PPS 12) that only they should be the arbiters of viability. If that were widely accepted, developers would be free to decide what is "deliverable" and acceptable to them in terms of profit, regardless of planning policy constraints. Instead, they should tailor their schemes to comply with adopted policy. Thus the Council is fully entitled to take and defend its own view on viability, but it has tried to agree as much as possible with the appellants, as demonstrated by SCG5A.
218. [D] sets out the Council's case in more detail. It refers to the putative reason for refusal No. 4, viability, and addresses the findings of Dr. Lee's [L] financial model presented on behalf of the appellants. While the model is agreed to be an

appropriate tool for assessing viability, the interpretation of its findings and its application to the viability assessment remain in dispute. [D]

219. The appellants originally submitted a residual appraisal with the planning application relating to the HCS scheme, claiming it would make a £9m. loss. Since the appeal was lodged, they have re-calculated viability, but with a striking and confusing lack of consistency. That has caused the Council some difficulty in responding to their case. [D]
220. The most appropriate basis for determining viability in this case is simple in principle: if the total scheme revenue less total costs (including developer's profit and finance costs) results in a residual sum that is greater than the existing or alternative use value (EUV, AUV) then the development is viable. [D]
221. It is agreed that the EUV of RAF Upwood as a military airbase will not be realised. Such sites are usually sold on the basis of AUV – the opportunity to break up the site and either use the buildings, to seek redevelopment or to revert back to agricultural use. The AUV of the whole appeal site is calculated at £1.8m. For a scheme which would comply with the HCS, only a part of the appeal site would be required. Assuming this to be some 9 ha, the AUV would be £550,000. The balance of the site and its value would remain with the appellants, but should not be considered in assessing the viability of the HCS scheme. [D]
222. The appellants however say that for a scheme to be viable, the residual land value must exceed the total acquisition price and holding costs, of the land, including the costs of previous planning applications. In the Council's view, these costs are not relevant, and should not be taken into account. That view has been supported at various other planning appeals. [D]
223. As for the appellants' financial model, most of the inputs are agreed. Costs and other factors not agreed include: S106 costs; the take-up of the commercial element of the appeal scheme; and residential unit build costs. [D, Wh]
224. With respect to residual land values (RLV), at CSH level 5 the appeal scheme (including 20% affordable housing) would produce a RLV of about £3.6m. with grant funding, but a negative RLV of (minus) £360,000 without grant funding. Based on the aforementioned AUV of £1.8m, the appeal scheme would therefore be viable, but there is no certainty in the current financial climate (of potential public expenditure restraint) that grant funding will be available, nor for how long. [D]
225. The RLV for the HCS scheme (to meet CSH 3-4, but also with 20% affordable housing) would be £811,000 assuming grant funding. Based on the aforementioned AUV of £550,000, the HCS scheme would therefore be viable. Without grant, its RLV would be (minus) £387,000. [D]
226. As a further test of the viability of the HCS scheme, 10% affordable housing is assumed (but with the same tenure mix). In this scenario, the RLV would increase to some £1,494,000 (with grant) and to £894,000 (without grant). Thus, even in the absence of grant funding, 10% affordable housing can be delivered by the HCS scheme, which would remain viable. [D]

227. These findings therefore refute the appellants' central assertion at this inquiry: that the HCS scheme would not be viable, and cannot therefore be delivered. In fact, it would be viable, and is potentially deliverable. [D]
228. [DR] responds to Dr. Lee's evidence [L] on viability for the appellants. It includes further details on: i) the viability appraisal inputs (affordable housing values and social housing grant; build costs; site remediation and infrastructure; planning obligations; and phasing) and ii) site purchase costs and holding costs. [DR]
229. The appellants are over-optimistic in terms of unit build costs for CSH5, and the availability of public subsidy. In fact, the appeal scheme would show a negative residual land value if no public funding is available. Even by their own assessment, the appeal scheme is barely viable. More fundamentally, viability in this case should not be measured against the site's historic acquisition and holding costs. It is notable that, for the most part, the Secretary of State and Inspectors have concluded that purchase/holding costs should be ignored, and that EUV/AUV should be used as the basis for viability assessment. There are no good reasons to follow a different approach at this Inquiry. [DR]
230. By contrast with the appeal scheme, the HCS scheme is not only viable, but is actually less risky and more likely to be delivered within the HCS plan period. [DR]
231. [DR2] responds to viability issues in [PR, PR2]. The appellants seek support from both the ATLAS "Planning for Large Scale Development" web-based guide, and from the recent (February 2010) Secretary of State decisions on appeals by Countryside Properties (UK) Ltd. re land at Clay Farm and Glebe Farm, Shelford Road, Cambridge [APP/Q0505/A/09/2103599 and 2103592]. In fact, both of these support the Council's position on viability at this inquiry. In particular, they endorse the validity of using EUV/AUV and not historic purchase price or holding costs as the most reliable benchmark in viability assessment. [DR2]
232. The parties have had helpful discussions on infrastructure costs both before and during the Inquiry, but it has not been possible to agree all the relevant items, and the assumptions underlying them. Thus the Council maintains its view that the applicants' viability assessments are seriously flawed. This undermines both the applicants' case for the appeal scheme, and their case against the Council's preferred scheme, based on the HCS, which is for a much reduced amount of development at the site [Wh, WhR].
233. The Council's initial concerns referred to the following: the applicants' assumptions and calculated costs regarding demolition and remediation of the site; the relative costs of building estate roads and a road junction in the application scheme and the Council's preferred scheme; the relative costs in both schemes of foul and storm drainage; and the cost of the applicants' transport package. [Wh]
234. On the last named item, the cost of the public transport strategy, as initially agreed, would be £4.8m. with a revenue return of £1m. leaving a deficit over the 10 year period of £3.8m. which is to be funded by the developer. Beyond this period there would be insufficient fare revenue from the bus services, and therefore the public transport strategy is not viable in the long term. [Wh]

235. [WhR] sets out the Council's position following further meetings with the applicants and refinements to the development costs estimates. Despite some narrowing of differences, there remain significant areas of disagreement, summarised in Tables 1 and 2 in [WhR]. In particular, the Council believes the applicants [see H and HR] have miscalculated bus modal share, and hence, the expected patronage and fare revenue from buses. Indeed, they have over-estimated the revenue to the extent that not only would there be little prospect of any long term additional bus services, there would also be a considerable shortfall in the short to medium term revenues. This critically undermines the credibility of the public transport proposals, and hence the transport sustainability of the appeal scheme. [WhR]
236. v) Affordable housing. The Council starts from the relevant development plan affordable housing policies. The EEP seeks 35% affordable housing in the Eastern region. To achieve that level overall, the HCS seeks 40% on eligible sites. RAF Upwood is agreed to be an eligible site. [Ma]
237. There is abundant, robust evidence of high levels of need for affordable housing in Huntingdonshire. This is principally in the Strategic Housing Market Assessment, which supersedes the 2006 Housing Needs Survey. The SHMA is also more reliable than data on the Housing Register. The revised SHMA (2009) identifies a need for 1,330 new affordable homes per annum in the district. But even if all new dwellings built were affordable, there would still be significant levels of unmet need. [Ma]
238. Development sites, obtained through S106 agreements, are an important resource towards meeting those needs. Affordable housing at RAF Upwood would be made available to applicants from the whole district, not just from Upwood and nearby parishes. [Ma]
239. In preparing the HCS, the Council commissioned viability assessments to test the soundness of the 40% target. That figure was found generally viable in both buoyant and depressed housing market conditions, and it was later endorsed by the examination Inspector. Nevertheless, despite the affordable housing targets in the development plan, and the known high levels of need, the Council acknowledges that development viability cannot be ignored, but must be taken into account. Therefore it is prepared to be flexible and to negotiate an appropriate amount of affordable housing on each eligible site. [Ma]
240. Assessing viability is complex. For example, there needs to be a balance between the desirable attainment of higher levels of the Code for Sustainable Homes, and the consequential impact on the delivery of affordable housing. Thus there is a trade-off between the two. Another crucial factor is the availability of public grant; even though the Council has a good record in securing grant, in practice it cannot ever be guaranteed. Thus a cascade mechanism within the S106 obligation is needed to deal with different grant scenarios. [Ma]
241. The Council has had detailed discussions with the applicants, flowing from their application which is based on 20% affordable housing. The Council's consultants have tested [see D] a number of scenarios, varying according to the proportion of affordable housing, the availability of grant subsidy, and different build costs. From these, it is clear that a total development of far fewer than 650 dwellings (the Council has assumed 150, in line with the HCS) would be viable, and would

produce a significant number of affordable houses, albeit not as much as 40% overall, and not as many as the appeal scheme. [Ma]

242. [MaR] responds to some points made by the applicants in [P]. On the HCS affordable housing policy, it is not helpful to seek to re-open debate on the evidence base leading to the 40% target. That was found sound by the examination Inspector. The main affordable housing issues not yet agreed are the total amount of housing development that should be allowed at the application site; and the resulting viability assessment. The applicants' suggested 20% level of affordable housing is not agreed, as it depends on the overall amount of development, the appropriate CSH level, and the related impact on viability. [MaR]
243. SCG 3 states some agreed points on affordable housing. In essence, the Council would seek the maximum proportion of affordable housing in any scheme for the site, in accordance with EEP and HSC policies, but accepts that this would be modified by considerations of viability. That might mean that the proportion would be significantly less than the 35%-40% cited in the policies. Details of delivery would be contained in a planning obligation.
244. It is certainly not accepted that the "opportunity" to achieve a higher quantum of affordable dwellings would not justify permitting any scheme at RAF Upwood which is in excess of the 150 or so units envisaged by the HCS.
245. vi) Planning control. SCG1 states some agreed facts about the site, the application, and the planning context. Among these: Ramsey/Bury has a population of about 8,000; the application site contains no listed buildings, scheduled ancient monuments, or statutorily designated nature conservation sites, and is not close to any conservation area; the Woodwalton Fen SSSI is about 4 kms. to the west of it. [SG1]
246. In addition, the ES is sufficiently thorough, detailed and robust. The area within the site at present occupied by buildings forms part of the built-up area of Ramsey/Bury. [SG1]
247. Further, the location and design of the 2 proposed vehicular accesses is appropriate and (subject to its detailed design) satisfactory. The retention of certain unlisted buildings (Upwood Hill House, the former Guard House, Administration Block, Officers Mess and Airmens Mess) would recognise the site's historic importance and its role in the Second World War. A Design Brief could be prepared if the appeal were to be allowed, to cover numerous aspects of the detailed design. Other conditions could deal with uses within the proposed neighbourhood centre, archaeological investigations and various other matters. [SG1]
248. However, there remain disagreements about some planning control matters. One notable disagreement, which goes to the heart of the appeal, is over the amount/extent of PDL at the appeal site (as defined in Annex B to PPS 3). This is addressed in detail in [S, paras. 6.4-6.14]. In the Council's view, there is very much less PDL, properly so-called, at the application site than the applicants say there is. They maintain that almost all of the land within the extant RAF Upwood perimeter fence is PDL; but that view is not tenable when assessed against the PPS 3 definition. [S]

249. Properly defined, the PDL comprises only the main barracks and technical areas to the east of the hangars, extending southwards to include the Guard House, Administration Block, the access and Upwood Hill House and its garden. There is also a linear area north of the hangars still covered with fixed surface infrastructure. All this only amounts to about 25.4 ha, and is shown in [S, appendix 4, plan 5]. This is very much less - little more than one third - than the application site area of about 72 ha. In broad terms, there is a very substantial area on the northern and western margins of the site which has blended in with the natural environment, and there is no good case for using it for development. To all intents and purposes, this is now a part of the countryside. Thus, within the application site, most of the areas north and west of the hangars [plan 1], an area on the southern site frontage [plan 3], and the sports ground [plan 4] are clearly not PDL according to the PPS 3 definition. [S]
250. In this context, it is important to note the advice in the definition that there is no presumption that PDL is necessarily suitable for housing development, nor that the whole of the curtilage should be developed. That is certainly the case with RAF Upwood, owing to its relatively remote and unsustainable rural location, as reflected by the policies in the recently adopted HCS. [S]
251. In the Council's view, some of the PDL (about 9 ha.) could and should be developed, to provide about 150 dwellings and 2 ha. of employment land, with landscaping etc. That quantum of development would be consistent with the HCS. But the application proposes a level of development far in excess of that, and one which would drive a coach and horses through the HCS. [S]
252. vii) Conditions and planning obligations. (See sections 13 and 14).

10 The Case for Interested Persons: The material points are:

253. *District Councillor Peter Bucknell* supports the application. The site is in a very poor and derelict physical condition, which has persisted for too long, and depresses the surrounding area. Many local residents have complained about that. Any large scale development would only improve it. It would make good use of brownfield land, a major objective of national and local planning policy. Some of the notable USAF buildings could be kept as a memento of the site's proud war time history. Needed new homes would be provided, including affordable dwellings. Additional employment development is also needed in the Ramsey area. The proposals also have very good eco-credentials, notably the biomass energy plant. They would provide attractive new open spaces and landscaping. In addition, new walking and cycle routes and the additional subsidised bus services would provide attractive alternatives to the use of the private car [B].
254. *District Councillor and Ramsey Town Councillor Phillip Swales* supports the application. Ramsey has long been in decline, compared with other Huntingdonshire towns, and badly needs new jobs and housing. RAF Upwood has long suffered from decay and vandalism. The scale of the proposals is justified, but development must be sensibly phased [Sw].
255. *Mr J. Prestage, of Bury Parish Council, and Mr P. Scantlebury* support the application. While there are various detailed issues to be addressed, including traffic impact, phasing, and the provision of community facilities and open spaces, the proposals are generally needed in Ramsey, and the development looks set to provide a well designed, high quality environment.

256. *Mr R. Brown, of the Fairmead Residents Association* objects to the application. The proposed development would have a massive and generally harmful impact on the local area, including the Fairmead estate adjacent. It would detract from the surrounding countryside, and could take up some much-needed farmland. Above all, this is a quiet rural area which simply does not need such a large influx of people, homes and jobs. And access to the development would be entirely along minor "B" and "C" class roads, which could not cope with the additional traffic. In addition, the development could cause additional run-off and surface flooding, a danger the Council seems to be unaware of [Br].

257. *Mr Paine, Chairman of Upwood and The Raveleys Parish Council, Mr K. Sisman of that Parish Council, Mr A. Large and Mr K. Morse* all object to the application. The main problem with it is one of additional traffic, in what is a very rural area served only by minor country roads. These country roads are simply inadequate to serve a development of this scale. They have been poorly maintained, and in places have been worn out and damaged by existing traffic. As an inevitable result, there have been increasing numbers of traffic accidents. The local roads also contain various bottlenecks and pinch-points, leading to hazardous rat-running, and increasingly impatient drivers will further undermine road safety. There are also general and widely-shared concerns about noise and vibration from yet more additional traffic, and, even more serious, the safety of pedestrians, particularly school-children and old people. Despite all this, the proposals for RAF Upwood would not bring any significant improvements to the local road infrastructure away from the site, but would only exacerbate the range of existing problems. On these grounds alone, the proposals are wholly inappropriate for the area, and should be rejected [Pa, Si, La].

11 Written Representations

258. There are about 20 letters from local residents and other interested parties, equally divided between expressions of support for the scheme, and objections to it. Most of these were received before the start of the Inquiry. The grounds echo those summarised in the preceding section **10**, and in the cases for the main parties, and do not raise any new issues.

12 Inspector's Conclusions

259. In this section, I set out my conclusions on the main town planning issues raised by the application and appeal, together with my recommendation as to whether or not outline planning permission should be granted.
260. I have tried to be as brief as possible, by stating the most salient points and arguments which I think should assist the Secretary of State. Therefore, I have not specifically addressed all the detailed points which arose in evidence, including in cross-examination, some of which are also mentioned in closing submissions.
261. References [in square brackets] at the end of each section are to the numbered paragraph sections of the report from which I have drawn the relevant information, and/or to the individual witness proofs of evidence.
262. Introduction - a dilemma and a paradox: At the heart of this Inquiry is a familiar planning dilemma, concerning two sometimes conflicting imperatives for new development, in particular its location and amount. These imperatives are found at all levels of planning policy, from the national, through the regional and down to the local.
263. One imperative is to maximise the use of previously developed land (PDL), and the other is to locate new development in the most generally "sustainable" locations, and which are consistent with the development plan strategy. [A,S,M]
264. In a nutshell, the applicants argue that this proposal would not only meet the former imperative, it would also be a shining example of sustainable development. This, for 2 reasons: firstly, the proposals themselves incorporate many of the attributes of sustainability, particularly in their mixed-use character and energy-efficiency; and secondly, RAF Upwood is indeed in a sustainable location, which the proposals would make "even more" sustainable. Thus they would not only provide much-needed (and well designed) new housing and employment, but they would do so in a manner which would regenerate a largely derelict site - a sadly wasted resource - and boost the regeneration of nearby Ramsey/Bury. [A]
265. The Council argues almost the opposite. In its view, while the proposals have the merit - in principle - of making full use of PDL, this particular swathe of PDL, a former USAF bomber base, is only there by historical accident, and in terms of today's needs and planning policies is in the wrong place. Thus it is necessary to strike a balance. While there is a case for developing some of this reserve of PDL, there is no case for developing all of it, and certainly not in the current HCS plan period. [S,M]
266. In any event, the Council says, the applicants have greatly exaggerated the amount and extent of PDL at the site, properly so called. Consistent with the EEP, the HCS is very clear that development at RAF Upwood should be limited and modest in scale, owing to the fundamental unsustainability of the location, compared with other, more sustainable parts of the district. Far from being alleviated by the application proposals, this lack of sustainability would only be exacerbated by them. [S,M]

267. Thus, the applicants seem to assert that these proposals would resolve the aforementioned dilemma; whereas the Council contends that they would only highlight it. [A,S,M]
268. I refer in the heading above not only to a dilemma, but also to a paradox. The two are inextricably linked. This lies in the parties' agreement that Ramsey/Bury is relatively small (compared with the other Huntingdonshire market towns - the other 3 SPAs), relatively remote and "off the beaten track", to a large extent a dormitory settlement, and even somewhat moribund. It goes almost without saying that neither party wishes to see the town decline, but both would wish to regenerate it, and to see it thrive into the future. [A,S,M]
269. Here lies the paradox: while the applicants see Ramsey's salvation arising from a large amount (a transfusion, almost) of new development at RAF Upwood - which, they say, would help the town overcome its limitations - the Council regards these very limitations as the main reason why Ramsey is not suitable for significant growth on that scale. [A,S,M]
270. In my view, this paradox lies at the heart of the Inquiry. I have tried therefore to discover which of these strikingly different views is the more tenable, in the light of all the evidence, and to recommend accordingly. I start with development plan policy.
271. But before I come to that I should make an additional point: the Inquiry heard not only about the application, or appeal scheme, but also about the Council's preferred scheme (for 150 houses and 2 ha. employment land). It is of course only the former which is before the Secretary of State, and which must now be either permitted or refused. The latter is not the subject of any planning application, nor has it been worked up or designed in any detail, even as an outline scheme.
272. Nevertheless, the "Council's scheme" has already been endorsed by the HCS examination Inspector. But, while he should bear it in mind for comparison purposes, the Secretary of State is neither required, nor in a position, to approve or reject it at this appeal. The same applies to any putative compromise scheme, with the level of development set somewhere between the application scheme and the Council's scheme. [A,M] [69-98;164-188; 245-251]
273. a) Development Plan policies. "Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise" (PPS 1, para 8.)
274. In this case, the development plan comprises principally the EEP and the HCS, although a small number of older, saved policies are extant, and therefore of some relevance. Both the EEP and the HCS were approved/adopted relatively recently, and the main parties agree that their policies are highly relevant to this appeal. [A,S,M]
275. While the applicants assert that the proposals are fully in accordance with the EEP, and largely in accordance with the HCS, the Council considers that they conflict with both. At the risk of repeating myself, these positions largely flow from the applicants' view of the proposed development as highly "sustainable", and the Council's contrary view of it as "unsustainable". Sustainable development is, of course, the core principle underpinning planning (PPS 1, para. 3). [A,S,M]

276. *The East of England Plan*: Turning first to the EEP, (and subject to my earlier remark about the Government's revocation of regional spatial strategies), I find that the application scheme would conform particularly with regional policies related to energy efficiency, and maximising the use of PDL. Leaving aside its location, its much-vaunted sustainability credentials would be in line with the EEP's vision and objectives. The proposed biomass boiler, for example, would provide combined heat and power to the entire development. By achieving CSH level 5, the scheme would be well in advance of current national requirements for housing. These matters weigh in favour of the scheme. [A]
277. In addition, when compared with the Council's scheme, it would also deliver a larger amount of affordable housing. That too would be consistent with regional housing objectives, and could help serve a district wide need, which, as common ground, is considerable, widespread, and pressing. All other things being equal, it would be a significant benefit in itself, since the EEP aims at an overall level of 35% of affordable housing in qualifying schemes, and even at only 20% this scheme for 650 houses would provide 130 affordable dwellings, in a mix of sizes and tenures. On any combination of the figures, the Council's much smaller preferred scheme could not match that level of provision. [A,L,P]
278. Furthermore, I find that, following an approved master plan and design brief, and the approval of reserved matters, the scheme would, in all probability, be well designed, attractively laid out and landscaped, well-integrated physically with its surroundings, and suitably linked by landscaped areas and PROWs to its rural surroundings. [A,S]
279. There are no significant land contamination, landscape, ecology or flood/drainage-related constraints or issues, nor (despite some concerns voiced by local residents, and bearing in mind this is an outline application) any potentially serious residential amenity issues affecting nearby housing areas. The interests of biodiversity, archaeology and community infrastructure could be served by appropriate conditions and obligations, all in line with broad EEP objectives. All these matters further underline the planning merits of the appeal proposals. [A,S]
280. All that said, the EEP deals necessarily with broad regional, strategic matters, and its housing and employment strategies depend for their implementation on the more local level of plan-making.
281. *The Huntingdonshire Core Strategy*: That brings me to the HCS, the other arm of the development plan. I am in little doubt that the appeal proposals are in conflict with the HCS, a fact which is part-acknowledged by the appellants themselves, although they consistently tried to play down any such conflict. This is because they far exceed the level of development indicated - and fairly clearly indicated - in HCS policies CS2 (which envisages "at least 300 homes" in the Ramsey SPA, with "at least 250" on PDL), and in policy CS7 (which envisages "at least 2 ha." of employment land on PDL in the Ramsey SPA.) Despite the use of that imprecise term "at least", which is derived from the EEP, the appeal proposals are so much in excess of these indicative figures that in my view they cannot be said to conform with the HCS. [S,M]
282. The appellants say, or imply, that this hardly matters. I disagree. In my view, the proposals clearly conflict with the HCS strategy, and the detailed policies which give it effect. The HCS is a recently adopted local development plan, which

has been found by an Inspector to conform with the RSS. It simply does not support such a high level of growth at Ramsey. [A,S,M]

283. Notwithstanding their suggestions to the contrary at the Inquiry, it seems to me that the appellants are in a sense attempting to re-run the HCS examination, at least as far as the Ramsey SPA is concerned, and "have a second bite at the cherry." I have serious doubts about that approach; in my view, an adopted core strategy should not run the risk of being quickly dismantled by subsequent planning appeals. The HCS will presumably be reviewed in due course, but in the meantime a site allocations DPD will emerge which under current regulations must conform with it. Subject to the Secretary of State's decision on this appeal, I assume that its allocation for RAF Upwood will closely follow the clear steer in the HCS. [A,M]

284. And, despite the criticisms made by the appellants of the HCS Inspector's conclusions, he had before him much of the evidence on RAF Upwood which has been presented to this Inquiry, at least the broad thrust of it. I strongly agree with the Council, therefore, that those conclusions should not be lightly set aside. [A,S,M]

285. Overall, I conclude that the proposals are in accordance with some development plan policies, but in conflict with other policies. In particular, they conflict with the HCS housing and employment proposals for the Ramsey SPA. [A,S,M]

286. I make no comment on the old, albeit saved structure plan policies referred to by the Council. I consider that, while they do not conflict with the EEP, they are of limited relevance to this Inquiry. [A,M]

287. Climate change was referred to and prayed-in-aid by both parties. The mitigation of climate change is of course a central tenet of national and regional planning policy, and indeed of local policies too. However, I find it very difficult to say with confidence whether the appeal proposals would help mitigate climate change, albeit in a small way, or not. To my mind, the variables are too complex and equivocal for that. Therefore I have taken a neutral position on the issue. In short, I do not think that climate change is a factor which clearly points one way or the other in the decision on the appeal. [A,M]

288. To conclude under this heading, I should point out that the appellants do not claim any deficiency in the 5-year or 15-year land supply in Huntingdonshire. The 9.5 years' land supply stated in the Council's evidence was not challenged. [A,S,M] [69-98;164-188; 245-251]

289. b) Other material considerations. Having considered the relationship of the scheme to development plan policy, I now turn to other material considerations in this appeal. In my view, the main considerations arise from the submitted evidence and, in no particular order, are as follows: i) PDL; ii) the commercial property market; iii) transport accessibility, sustainability and modal choice; iv) viability, with reference both to the appeal scheme and the Council's preferred scheme; and v) affordable housing. I comment upon the submitted planning conditions and planning obligations in section 14.

290. i) PDL. National, regional and local planning policies all aim to maximise the re-use of PDL in sustainable locations. Thus there is no presumption in favour of the development of PDL in unsustainable or otherwise unsuitable locations. [S,M]

291. The nub of the applicants' case is, firstly, that RAF Upwood is in a sustainable location (by definition, being in one of the 4 SPAs in the HCS) - and one that can be made even more sustainable through the provision of additional bus services and other improved transport links - and secondly, that the site is a significant reservoir of PDL which should be used in full, thereby obviating the need for developing any alternative, greenfield sites. [A,H]
292. The Council's case contradicts both of these points. In its view, Ramsey/Bury is the least sustainable of all the SPAs, being relatively rural, remote, "off the beaten track" and comparatively ill-served by public transport. It is by far the smallest of the 4 towns. Thus there is no imperative in national, regional or local policy to develop all of the PDL at RAF Upwood, even though part of it could be developed in accordance with the HCS. In any event, say the Council, there is actually far less PDL, properly so-called, at the application site than the applicants claim. [S,M,C]
293. On that point, I note that both parties rely upon the definition of PDL in Annex B of PPS 3. This leaves room for judgement, on the ground, as to what is, and what is not PDL, depending largely on matters of character and appearance. That may explain why there is such a discrepancy between the parties on this matter: whereas the applicants say there is about 57 ha. of PDL at the 71 ha. appeal site, the Council say there is only about 25 ha. [A,S]
294. In my view, based on both parties' evidence (in [A] and [S]) and my own 2 site inspections, the most robust figure lies somewhere between these conflicting estimates. In brief, there are 4 disputed areas, best shown in [S, App. 4]. I consider that while plans 2, 3 and 4 show areas best described as PDL (as asserted by the appellants, and contrary to the Council's view), much of the land in plan 1 is not PDL, owing to the extent to which it has "blended into the landscape in the process of time" (PPS 3, Annex B). This is a very substantial area. My view is that the amount of PDL at the appeal site is closer to the Council's estimate than to the appellants' estimate. That undermines the appellants' case overall. [A,S]
295. That said, I agree with the appellants in principle that it is preferable, in planning, design and environmental terms, to remediate and redevelop all of a particular, self-contained reserve of PDL than to treat just a part of it (ie the area of some 9ha. covered by the Council's preferred scheme) This is for the obvious reasons that PDL can be (and in this case certainly is) an eyesore which has a depressing effect on its surroundings, and that remediation/clearance is a necessary catalyst for a general environmental improvement. It also provides a stimulus and an encouragement for prospective new occupiers, be they residents or businesses. But in my opinion that worthy design objective does not override all other considerations. The fact remains that the appeal proposals are far in excess of development plan requirements. [A,S] [87-90; 245-251]
296. ii) the commercial property market. Both parties' evidence includes much detailed information about the commercial property market in other Huntingdonshire towns (and even further afield), as well as in Ramsey. I see no need to comment on that, one way or the other. In my view, the main issue for this Inquiry is quite narrowly focused on the needs of Ramsey, and the propensity of the market to deliver additional employment space there. [W,Mat]

297. Part of the Council's case against the proposals is based on its firm belief that the proposed quantum of employment land - 10 ha. - is far in excess of what the market in Ramsey will bear or require during the HCS plan period. It bases this largely on an analysis of past performance, in which, it is agreed, Ramsey over many years has not been very successful in attracting new commercial activity/businesses. Indeed, the opposite has been the case. The relevant floorspace figures etc. are in [W, WR, Mat and MatR] and I do not reproduce them here, or attempt to resolve any minor discrepancies.
298. The parties also agree on the fundamental reasons for this, which include the small size and relatively peripheral and remote location of Ramsey, its distance from main roads and its lack of public transport accessibility, its lack of any particular reservoir of skilled labour, and the rival attractions of nearby centres. These include Huntingdon, St. Ives and St. Neots (the 3 other SPAs) within the district, as well as market towns like Chatteris and March outside it, and the very much bigger centres of Peterborough and Cambridge. Many residents of Ramsey commute for work to all of those places. All this is well attested by core documents. [W,Mat]
299. Against this background, it seems to me that the appellants' arguments [in W and WR] rely more on somewhat vague hopes and aspirations for the future than on hard, demonstrable evidence. In brief, they assert that if high quality premises and serviced land are supplied at RAF Upwood, particularly those with good eco-credentials, demand for them will follow and gather pace.
300. Bearing in mind that the UK is still emerging from a deep recession, the Council is not persuaded by this, and neither am I. I heard no good reasons why Ramsey might credibly be transformed from a small dormitory settlement into a favoured and vibrant business location, having failed for many years to become one, or to rival those other larger, better serviced and more accessible centres. [W,Mat]
301. Nor is there any convincing evidence to show that it could become a favoured location particularly for "high-tech" or "green" businesses, compared with the more established locations elsewhere in the district and the county. To my mind, that claim smacks of wishful thinking. And while it is true that the hangars at RAF Upwood were sold by the appellants some years ago to designers/manufacturers of aero engines, there is general agreement that this was an unusual case, a one-off, involving some very unusual buildings, and not therefore indicative of local business prospects more generally. [W,L,Mat]
302. Nor am I convinced that RAF Upwood would necessarily prove to be a more attractive location for any new businesses coming to Ramsey than the Northern Gateway site, for which a planning application for employment development was pending at the time of this Inquiry. Although that site has so far failed to come forward - to my mind, merely underlining Ramsey's comparative disadvantages - it does have the advantage over RAF Upwood of being much closer and better connected to the town centre, together with the potential stimulus of and linkage with the recently opened Tesco store. Although the evidence on this is sparse, I therefore agree with the Council that it may well be in a better position to attract new businesses than the appeal site. And I have no reason to think that good quality premises could not be provided there, comparable with any at the appeal site. [W,Mat]

303. In sum and in brief, I tend to agree with and support Mr. Mathews's evidence [Mat, MatR] on behalf of the Council. He thought that both need and demand for employment space at the appeal site would not exceed 2 ha. during the HCS plan period, and that any much larger amount was neither realistic nor deliverable.
304. As the Council has said, the corollary of that conclusion is that the appeal proposals offer the prospect, under one credible scenario, of a large quantum of housing being developed, without the delivery of very much employment use. That would undermine the balanced, mixed package of land uses claimed by the appellants, and must count against the appeal proposals in the overall planning balance. [118-128; 201-211]
305. iii) transport accessibility, sustainability and modal choice. There was much discussion at the Inquiry about transport accessibility and sustainability. It is agreed that neither the appeal site, nor Ramsey, are very accessible at present, particularly by non-car modes of transport, especially when compared with the other SPAs. Ramsey is no longer served by rail, although it has bus routes linking it with the other towns in Huntingdonshire, as well as to Peterborough and Cambridge. [H,C]
306. The appellants' case in essence is that their generous package of transport improvements would render the site highly accessible, and potentially benefit all the residents of Ramsey. They say that, with its integrated mixed use character, and travel plans in place, the proposed development would be highly sustainable in transport terms. [H]
307. For its part, the Council stresses that an agreed 80% of all movements from the development would be by car, and that the longer-term success and continuation of the initially subsidised bus services is far from assured, and may well not occur. Thus the proposals would not reduce the need to travel, especially by car, contrary to all levels of transport policy. Linked with this, the Council thinks that the overall effect of the proposed development would not be to achieve a better balance between housing and jobs at Ramsey, but to increase commuting to larger centres (as was anticipated by the HCS Inspector). [C]
308. In addition, the Council (with some justification, in my view) remains concerned at the effects of development traffic on the local road network, although it is prepared to concede that these effects could be mitigated (i.e. rendered acceptable) by way of planning conditions and obligations. These measures would ease potential congestion in Ramsey town centre and at The Raveleys. Some local residents at the Inquiry echoed that concern, and referred in particular to highways safety issues on the minor rural roads in the Ramsey area. [H,C,Pa,Si,La]
309. Both parties [see esp. H and Wh] produced detailed estimates of future bus patronage, more than a decade hence, based on various quite intricate computations of the interactions between relevant variables. But any agreement on this exercise was hampered by basic differences on such items as the estimated cost of operating a single new bus (which during the Inquiry varied between £120k. and £160k. per annum), and whether the 2001 Census was a robust source of data for passenger predictions. [H,Wh]
310. In the final analysis, the appellants seemed chiefly to rely on the apparent endorsement by Stagecoach - the main local bus operator - that the proposed services would remain viable after the 10 year period of subsidy. Certain

significant factors (notably the comparative cost of private car use in 10-15 years time), being, if anything, even more unpredictable, were not addressed. [H]

311. Despite (or perhaps, because of) the amount of conjectural evidence on this matter, I find it very difficult to resolve it one way or the other. But any attempt to dissect forensically the bus patronage predictions of either party would in my view be almost futile. In short, there are grounds both for cautiously supporting the appellants' relatively optimistic view as to the long term viability of their proposed additional bus services and, for endorsing the Councils' far more sceptical view. Thus it is difficult to say which is the more realistic. But, bearing in mind the views of Stagecoach, and their long experience of running local and rural bus services, I incline slightly more towards the appellants on this matter. Thus I consider that there is a reasonable prospect that the additional bus services would remain viable after the end of the generous (£4.8m.), 10-year period of developer subsidy. [H,C]
312. That said, while the improved bus services would certainly offer an enhanced degree of modal choice - both to residents of the proposed development, and to other people in the Ramsey area - they would not in my view bring about a radical modal shift away from the private car. Nor, in my view, would the proposed travel plans. The development would be highly dependent upon the private car for the great majority of domestic and work-related trips. That would not be consistent with development plan transport policies. On balance, I therefore agree with the Council that the proposed development would not be very sustainable in transport terms, as the appellants claim, but would tend to perpetuate the existing high level of commuting from Ramsey to other centres. [H,C] [99-117;189-200]
313. iv) viability. Whereas the Council rely principally in this Inquiry upon the provisions of the development plan (in particular, the HCS), the appellants see viability as central, and as a keystone of their case.
314. The appellants' evidence seeks to demonstrate an inexorable domino-effect, mounting through the following sequence of propositions: i) the Council's preferred scheme is not viable; ii) therefore, it cannot and will not be delivered; iii) therefore, the HCS itself (at least as far as the Ramsey SPA is concerned) cannot be delivered either, and is therefore "unsound"; iv) that would conflict with PPS 12, in which the realism and deliverability of forward planning strategies is paramount; v) by contrast, the appeal scheme is viable, even with 20% affordable housing provision and the attainment of CSH level 5; vi) thus the HCS - or something like it - can only be delivered by the appeal scheme; and vii) therefore planning permission should be granted for the appeal scheme. [L]
315. For its part, the Council acknowledges that the appeal scheme is viable under certain sets of assumptions, as shown in Tables 3 and 4 of SCG5A. But, in response to my questions, its witness on viability [Mr. Durman] agreed that he was more concerned to demonstrate the viability of the Council's scheme, than to assert the non-viability of the appeal scheme. [D]
316. If the former proposition was correct, and accepted by the Secretary of State, then the HCS (in respect of Ramsey) would be capable of being delivered, and delivered in accordance with its own adopted policies. (Mr. Durman implied that the appellants were not the only party who might implement the Council's

preferred scheme, in the event that this appeal is dismissed; however, he admitted that he had no other particular developer in mind.) [D]

317. Although, as shown by SCG5A, there is a considerable degree of agreement between the parties as to the relevant inputs to the viability assessment, they disagree on some fundamentals. I summarise them above, under [L] and [D]. (I note and fully acknowledge the expert evidence concerning such matters and the allegations that, elsewhere, they had expressed different views from those at the Inquiry. In my judgement the debate was inconclusive).
318. Both parties referred to other appeals in which their own approach, or parts of it, had allegedly been supported by an Inspector and/or the Secretary of State. But in this, I agree with the Inspector in the recent Clay Farm, Cambridge appeal who said that she was "reluctant to look for guidance in decisions by other Inspectors or the SoS, given the range of differing circumstances applying to each of the cases referred to me" (ref: APP/Q0505/A/09/2103599). The same applies to the cases cited at this inquiry, and there are none which seem very closely comparable to RAF Upwood. [L,P,D]
319. As far as I am aware, there is no single, authorised approach to the viability assessment of large, mixed use schemes - no "one size fits all" formula - which is endorsed by any national planning guidance. And it is apparent from the other cases and guidance cited, that there are several different approaches that could be taken. One such, adopted in this case by the appellants, is the sunk-costs approach. In this, viability is measured by a range of factors, in which the land acquisition cost is the primary concern, together with the holding costs incurred after a site has been acquired. The latter cover a range of costs including interest accrued on site acquisition, to maintaining site security, and the planning costs (fees etc.) incurred in seeking planning permission. [L,P,D]
320. However, there are no particular circumstances obtaining at RAF Upwood which persuade me that this sunk-costs approach should be followed in this case. The site was acquired by the appellants over a decade ago (in tranches in 1999/2000), when both the planning and the market circumstances were very different from today. For present purposes, that is a very long time. Despite being offset by some minor, income-producing uses, the holding costs have been steadily mounting since then. No doubt the appellants feel frustrated that they have not succeeded in bringing forward an acceptable scheme which could be supported by the HCS. But I am not persuaded that the Council, and the Secretary of State, are obliged to accept what they say is viable, which seems to me to be the appellants' interpretation of PPS12. Nor, to cite Mr. Durman's broader argument for the Council, is the planning system required in some way to insulate developers against risk, or to compensate them for downturns and other fluctuations in the market. [L,P,D]
321. The Inquiry offers me and the Secretary of State a choice: to support either the appellants' approach to viability, or the Council's. For the reasons given above, I prefer the Council's viability assessment in this case, which discounts the historic land acquisition and holding costs, and concludes that the HCS scheme is capable of being viable, and of producing some affordable housing, built to CSH standard 3-4. [L,P,D]
322. It follows from this that the HCS is not rendered "unsound" by the appellants' reluctance to implement a much lesser quantum of development at the appeal

- site (and at Ramsey) than they themselves would wish. In any event, it is a fact that the HCS has already been found sound by an independent Inspector. [D,M]
323. To conclude, I do not support the appellants' case on viability. In the overall planning balance, this weighs against a grant of planning permission. [129-145; 212-235]
324. v) affordable housing. There is no dispute as to the shortage of affordable housing in Huntingdonshire, and the resulting high level of need for additional affordable dwellings. This is fully explored in [P] and [Ma]. All things being equal, the Council's aim is to maximise the level of affordable housing from qualifying sites, in the attempt to achieve the demanding policy targets in the EEP and the HCS. However, as SCG 3 makes clear, there is also a recognition that in practice these targets will be affected by considerations of viability (and hence, deliverability.)
325. There is also no dispute that the application scheme could produce significantly more affordable dwellings than the Council's scheme. In the best-case scenario, I was told that this could be as high as 50% (in a given development phase), although that would impact adversely upon the CSH level of the new housing. The Council's scheme, by contrast, would provide far fewer units. The appellants, of course, do not think it would produce any at all, because "in the real world" it would not be implemented. [L,P]
326. It is open to the Secretary of State to grant planning permission on the basis that the application scheme would probably deliver a significant number of affordable dwellings, regardless of all other considerations. However, I do not recommend that. Equally, the Secretary of State might consider that the relatively small offer of affordable dwellings in the Council's preferred scheme - even if deliverable at all - undermines its entire case at the Inquiry. I would also advise against that conclusion.
327. In my opinion, the affordable housing offer in the appeal scheme is one of its significant planning merits, which should not lightly be set aside. However, it does not overcome the other planning objections to the scheme which I address elsewhere in these conclusions. [L,P] [146-159; 236-244]

13 Conditions

328. The parties submitted a very largely agreed list of 32 draft planning conditions in the event of the appeal being allowed. Conditions 1-4 concern the standard implementation time limit of 3 years and the submission of reserved matters. Condition 5 refers to phasing, limiting each phase to 100 dwellings. Condition 6 refers to the submission of a scheme for archaeological investigation/mitigation.
329. Condition 7 offers two alternative CSH Levels for the dwellings (Level 5 or the lower Level 4) and to alternative BREEAM ratings ("excellent" or "very good") for the commercial and community buildings. I comment further on this below.
330. Conditions 8-15 refer to the submission of a Development Brief (8) and details/schemes for the following: offsite public highway works and works for the site access (9); residential, workplace and school Travel Plans (10); traffic management measures in Ramsey, Great Raveley and Little Raveley (11); the timing of accesses to the development (12); on-site car parking (13); and the phased provision of bus stops and other bus infrastructure (14-15).

331. Conditions 16-17 refer to the phased provision of employment floorspace, including: the first 1 ha. of serviced employment land and subsequent employment land (1.5 ha/100 dwellings) (16); and 1,500 sq.m. of B1 employment floorspace (17).
332. Conditions 18-20 refer to the phased provision of a Neighbourhood Centre (18); sports pitches, allotment land and open space (19); and play areas and other amenity open space (20).
333. Conditions 21-24 refer to the details and implementation of hard and soft landscaping, including measures for the protection of retained trees.
334. Conditions 25-28 refer to the submission and implementation of a landscape and biodiversity management plan (25); details of an on-site sewage treatment works (26); details of a sustainable urban drainage system, or SUDS (27); and details of a biomass boiler and related district heating scheme (28).
335. Conditions 29-30 refer to the submission of a scheme for the investigation and remediation of on-site contamination (29) and of a Construction Method Statement (30).
336. Condition 31 would limit the development to 650 dwellings and 10 ha. employment land.
337. Finally, condition 32 imposes a limit of 16,500 sq.m. on Use Class B1(a) (office) floorspace in the completed development overall.
338. I consider that all of the agreed suggested conditions are necessary in the event of a grant of outline planning permission, and that they comply generally with the advice in Circular 11/95, *The Use of Conditions in Planning Permissions*. I am not suggesting any additional conditions, should the Secretary of State be minded to allow the appeal.
339. One suggested condition is not agreed. Condition 7 proposes 2 alternative CSH/BREEAM levels and ratings. I note that the application has assumed throughout that the higher of the 2 should be attained (i.e. CSH level 5), even though it is not yet a national or local policy requirement. The Council is not specifically promoting or supporting it. Nevertheless, the parties agree and accept that there is a potential trade-off between higher CSH levels, which in general cost more to build, and the amount of affordable housing that could be provided by the development. Thus the achievement of CSH Level 5 would deliver fewer affordable homes than would Level 4. Given the importance and policy backing at all levels for maximising the amount of affordable housing from qualifying sites, I recommend that, in the event of a successful appeal, the lower Level 4 be required by condition 7.

14 Planning Obligations

340. 3 completed and executed planning obligations were submitted on the final day of the Inquiry. Together these comprise APP24. They are all dated 30 April 2010. There is also a summary note which explains the main provisions of the obligations.
341. The first [APP24(A)] is a S106 planning agreement between the applicants, others with an interest in the land, and Cambridgeshire County Council, and is

aimed at securing contributions to education, bus services, and other highways infrastructure.

342. The main obligations in APP24(A) on the part of the applicants (etc.) are: in respect of education – to transfer a 1 ha. site for a school extension (at Upwood primary school), and make an education contribution to CCC totalling some £3,623,850; in respect of improved bus services – to contribute £4.8 m. to CCC on a phased basis in 10 instalments of £480,000 each, as a 10-year subsidy towards additional services, to be provided by a local bus operator, serving the appeal site and the Ramsey area; and in respect of other matters – to contribute monies towards the Market Towns Project (£62,940 towards combined footpath and cycle links), £30,000 towards another footway/cycle link, and £10,000 towards a Traffic Regulation Order aimed at reducing the speed limit along Ramsey Road in the vicinity of the site.
343. The second obligation [APP24(B)] is a S106 unilateral undertaking by the appellants, and called by them the "Beverley" version after a formula in a recent appeal decision (April 2009) on land north of Flemingate, Beverley, North Yorkshire (ref. APP/E2001/V/08/1203215).
344. This is the version preferred by the appellants themselves, on the grounds that it is both simpler and more flexible than the alternative. It is concerned with the provision of affordable housing, together with open space, a health contribution, and a community facilities building. As explained in the summary note, it "allows the viability assessment (governing the quantum of affordable housing) to be calculated, submitted and agreed as required at the commencement of each phase of development."
345. The third obligation [APP24(C)] is an alternative version of the preceding one, which, as explained in the summary note, sets the parameters for the viability assessment in its schedule 3.
346. Both the "Beverley" and the "Non-Beverley" versions of the obligation would provide affordable housing, with a maximum of 50% and a minimum of 10% within each development phase.
347. The Council has no objections to, or comments upon the agreement with CCC [APP24(A)].
348. I consider that, of the 2 unilateral undertakings, version [APP24(B)] - the so called Beverley version - should be preferred, for the reasons given by the appellants, in the event that the Secretary of State decides to allow the appeal and to grant planning permission. I am also satisfied that it, and the first obligation, would comply with the provisions of Circular 5/2005.

15 Overall Conclusions

349. The application and appeal highlight a dilemma and a paradox which concern not only the re-use of PDL and the best way to deal with the large redundant former bomber base at RAF Upwood, but also the very future of Ramsey/Bury. This underlies the strikingly different approaches by the appellants and the Council at the Inquiry.
350. While the proposals would be consistent with some development plan sustainability policies, particularly in the East of England Plan, they would conflict with the recently adopted Huntingdonshire Core Strategy, which envisages a

much lower level of development. The proposals were considered but rejected at the HCS examination, and are not supported by any deficiency in the district housing land supply.

351. On the credit side, the proposals would deliver a significant amount of affordable housing. They also contain some attractive design elements, including whole-site remediation, and would have no significantly harmful environmental impacts which could not be satisfactorily mitigated. However, they would not be particularly sustainable in transport terms, but would be car dependent, despite some scope for a sustained modal shift towards increased bus use. Despite that, they would probably lead to increased commuting from Ramsey.
352. The parties also differ over the viability and deliverability of the Council's preferred scheme. But this is potentially viable, and hence deliverable, and its implementation would help to deliver the HCS strategy. The Council's objections to the appeal scheme on the grounds of the extent of PDL at the site, and the deliverability of the proposed employment land also tell against the scheme.
353. Thus some factors weigh in favour of the proposed scheme, and some weigh against it. On balance, given the recent adoption of the HCS, and the primacy of the development plan within the planning system, the planning objections outweigh the merits of the proposals, and the appeal should be dismissed.

16 Recommendation

354. I recommend that the appeal be dismissed, and that outline planning permission be refused.
355. Should the Secretary of State disagree, and decide instead to grant outline planning permission, I recommend that the 32 conditions in Annex 5 be imposed (having in mind my comment in para 339 of this report), and that permission also be subject to 2 completed planning obligations as described above in section 14.

Paul Dobsen

INSPECTOR

Annex 1: Inquiry appearances

Annex 2: Lists of documents

Annex 3: List of proofs of evidence (and proof references)

Annex 4: Glossary of abbreviations

Annex 5: List of suggested conditions

For the Applicant:

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He called:

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Mr. J. Welch BSc – Lambert Smith Hampton
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For the Council:

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He called:

Mr. M. Monk BA DipTP – planning policy consultant
Mr. A. Matthews BSc FRICS – Barker Storey Matthews
Mr. G. Corrance CEng MICE MIHT – Cambs. CC Transport Dvn.
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Mr. N. Swaby BA DipTP MA MRTPI – Hunts. DC

Interested Persons:

(Supporting the application)

Mr. P. Bucknell – Hunts. DC councillor (Bury ward)
Mr. P. Swales – Hunts. DC councillor (Ramsey ward)
Mr. J. Prestage – Bury Parish Council
Mr. R. Scantlebury – local resident

(Objecting)

Mr. R. Brown – Fairmead Residents Association
Mr. D. Paine – Upwood and The Raveleys Parish Council
Mr. K. Sisman – Upwood and The Raveleys Parish Council
Mr. K. Morse – local resident
Mr. A. Large – local resident

**Planning Appeal (PINS Ref.: APP/H0520/A/09/2112959)
The Former RAF Upwood, Upwood/Bury,
Cambridgeshire PE26 2RA**

Core Documents

1 Planning Application Documents

- 1.1 Letter from Antony Aspbury Associates to Huntingdonshire District Council dated 11 March 2009 enclosing Planning Application and supporting documents.
- 1.2 Letter from Antony Aspbury Associates to Huntingdonshire District Council dated 24 April 2009 enclosing revised Planning Application and revised/additional supporting documents.
- 1.3 Letter from Huntingdonshire District Council dated 11 May 2009 acknowledging receipt of Planning Application Ref. 09003420UT.
- 1.4 Application Site Plan
- 1.5 Master Plan
- 1.6 Master Plan Context
- 1.7 Proposed Phasing Plan
- 1.8 Master Plan for Partial Redevelopment of Site (LDF Submitted Core Strategy Option)
- 1.9 Design & Access Statement
- 1.10 Addendum to Design & Access Statement
- 1.11 Provisional List of Proposed Planning Conditions
- 1.12 Draft Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended)
- 1.13 Town Planning Statement
- 1.14 Affordable Housing Statement
- 1.15 Sustainability Statement
- 1.16 Crime Prevention / Crime Reduction Statement
- 1.17 Development Appraisal for Partial Redevelopment (LDF Submitted Core Strategy Option)
- 1.18 Landscape and Visual Impact Assessment I

- 1.19 Ecology - Bat and Flora Survey
- 1.20 Upwood Hill House - Bat and Flora Survey
- 1.21 Arboricultural Strategy
- 1.22 Arboricultural Report - Pre-Planning BS:5837:2005 Tree Survey
- 1.23 Ecology - Phase 1 Habitat Survey
- 1.24 Scaled Site Survey Drawings showing the positions, spread and species of trees, shrubs, hedges and existing buildings [Tree Survey Drawing nos. TS/2/1190 (AREA 1), TS/2/1190 (AREA 2) & TS/2/f 190 (AREA 3); Topographical Survey Plan Nos. 1 to 8 inclusive]
- 1.25 Statement of Community Engagement
- 1.26 Transport Assessment
- 1.27 Travel Planning Strategy
- 1.28 Figure 7: Existing and Proposed Public Rights of Way
- 1.29 PPS 23 Planning and Pollution Control Summary Statement
- 1.30 Air Quality Assessment
- 1.31 Noise and Vibration Assessment
- 1.32 Environmental Statement: Non-Technical Summary
- 1.33 Environmental Statement Volume 1: Main Text
- 1.34 Environmental Statement Volume 2: Technical Appendices
- 2 Appeal documents**
 - 2.1 Planning Appeal Form
 - 2.2 Appellants Statement of Case
 - 2.3 Council's Statement of Case
 - 2.4 Statement of Common ground
- 3 National Guidance in Planning Policy Guidance Notes and Planning Policy Statements**
 - 3.1 PPS1: "Delivering Sustainable Development" (2005);
 - 3.2 Planning Policy Statement 1: Planning and Climate Change - Supplement to Planning Policy Statement 1 (2007));
 - 3.3 PPS3: "Housing" (2006);

- 3.4 PPG4: "Industrial and Commercial Development and Small Firms" (1992);
 - 3.5 Consultation Draft PPS4 (May 2009) "Planning for Prosperous Economies;
 - 3.6 PPS9: "Biological and Geological Conservation" (2005);
 - 3.7 PPS12: " Local Spatial Planning" (2008);
 - 3.8 PPG13: "Transport" (2001);
 - 3.9 PPG15: Planning and the Historic Environment;
 - 3.10 Consultation Draft PPS15 (July 2009) Planning for the Historic Environment will replace the current PPG notes 15 (Planning and the Historic Environment) and 16 (Archaeology and Planning);
 - 3.11 PPG16: "Archaeology and Planning" (1990);
 - 3.12 PPG17: "Planning for Open Space, Sport and Recreation"
 - 3.13 PPG24: "Planning and Noise"
 - 3.14 PPS25: "Planning and Flood Risk".
 - 3.15 Circular 05/2005 – Planning Obligations (2005)
 - 3.16 Circular 6/98 'Planning and Affordable Housing', Department of the Environment, Transport and the Regions, 9 April 1998
- 4 The Development Plan**
- 4.1 East of England Plan 2008
 - 4.2 Local Development Framework - Huntingdonshire Core Strategy 2009
- 5 Supplementary Planning Guidance and Documents**
- 5.1 Huntingdonshire Design Guide 2007.
 - 5.2 Huntingdonshire Landscape and Townscape Assessment 2007.
 - 5.3 Developer Contributions Towards Affordable Housing 2007.
- 6 Other Relevant Documents - Locally Produced**
- 6.1 Ramsey Area Partnership – Healthcheck Strategy and Action Plan.
 - 6.2 HDC LDF Annual Monitoring Report (December 2008)
 - 6.3 HDC SHLAA (2008)

- 6.4 HDC LDF - "Employment Land Review" (2007).
- 6.5 HDC LDF - "CS Preferred Options Report - Background Paper on Settlement Hierarchy" (2007).
- 6.6 HDC LDF - "Local Investment Framework" (EDAW etc. for HDC) (2009).
- 6.7 HDC LDF - "Local Investment Framework - Interim Report, June 2008"
- 6.8 HDC LDF - "Housing Needs Survey (2002)".
- 6.9 HDC LDF - "Housing Needs Assessment Update (2006).
- 6.10 HDC LDF - "Huntingdonshire Housing Strategy 2006-2011"
- 6.11 HDC LDF - "Huntingdonshire DC Affordable Housing Viability Testing (2009)
- 6.12 Cambridge Housing Sub Region Strategic Housing Market assessment (SHMA) 2008.
- 6.13 Peterborough Housing Sub Region SHMA (2008)
- 6.14 Cambridgeshire and Peterborough Structure Plan (2003)
- 6.15 Extracts from the Huntingdonshire Local Plan (1995)
- 6.16 Huntingdonshire Local Plan Alterations (2002)
- 6.17 Huntingdonshire Interim Planning Policy Statement (2007)
- 6.18 Inspector's Report on Submitted Core Strategy (2009)
- 6.19 Inspector's Report on Huntingdonshire Local Plan Alteration (2002)
- 6.20 HDC - "Growing Awareness - A Plan for Our Environment"
- 6.21 HDC - "Growing Our Communities - HDC Sustainable Community Strategy 2008-2028"
- 6.22 HDC - Development Management DPD (2009)
- 6.23 HDC - Towards a Spatial Strategy for Huntingdonshire
- 6.24 HDC - Market Housing Mix Supplementary Planning Guidance, March 2004
- 6.25 Cambridgeshire CC - "Tackling Climate Change in Cambridgeshire"(2005)
- 6.26 Local Economic Development Strategy 2002 -2007

- 6.27 Local Economic Development Strategy 2008 - 2015
- 6.28 Local Transport Plan 2006-2011
- 6.29 Draft Ramsey Market Town Transport Strategy
- 6.30 The Huntingdonshire Retail Assessment Study 2005 (updated in 2007)
- 7 Other relevant documents - National Documents**
- 7.1 ODPM – Sustainable Communities in the East of England (2003).
- 7.2 CLG: "Code for Sustainable Homes...." (2006)
- 7.3 Affordable Housing policy Statement "Delivering Affordable housing" (2006)
- 7.4 Green Paper – "Homes for the Future: More Affordable, more sustainable" Cmnd. 7191 (2007)
- 7.5 White Paper – "Planning for a Sustainable Future" (2007)
- 7.6 'Sustainable Communities – building for the future', Department of Communities and Local Government, February 2003
- 7.7 Strategic Housing Market Assessment Practice Guidance Version 2 (2007)
- 7.8 NHPAU: "Meeting the Housing Requirements of an Aspiring and Growing Nation..." (2008).
- 7.9 CLG: "Cost Analysis of the Code for Sustainable Homes – Final Report" (2008)
- 7.10 HCA: "National Affordable Housing Programme 2008-11 Prospectus" (2007)
- 7.11 HCA: "Investment and Planning Obligations – Responding to the Downturn" (2009)
- 7.12 The Planning Inspectorate's "Local development Frameworks Examining Development Plan Documents: Learning from experience" (2009)
- 7.13 CLG: "Household Projections to 2031" (March 2009)
- 7.14 SQW Consulting/WSP/Pegasus Planning Group/Cambridge Econometrics obo the Cambridgeshire RSS Review Study Group.: "Cambridgeshire Development Study – Final Report" (2009)
- 7.15 EERA: EEP Review Consultation Document 2009

- 7.16 'A Better Quality of Life – A Strategy for Sustainable Development in the UK' – May 1999
- 7.17 Housing Corporation Economic Appraisal Toolkit User Manual, GVA Grimley, July 2009
- 7.18 Impact on worsening affordability on demand for social and affordable housing: tenure choice and freehold formation', National Housing and Planning Advice Unit, July 2008

**Planning Appeal (PINS Ref.: APP/H0520/A/09/2112959)
The Former RAF Upwood, Upwood/Bury,
Cambridgeshire PE26 2RA**

Supplemental Core Documents

- 7.19 Appeal Decision – APP/G3110/A/08/2070447 – Land at Jericho Canalside, Oxford, 8 October 2008.
- 7.20 Appeal Decision – APP/P0119/A/08/2069226 – 67-73 Bath Road, Longwell Green, Bristol, 7 January 2009.
- 7.21 PPS4: "Planning for Sustainable Economic Growth" (2009);
- 7.22 Department for Transport – "Delivering Sustainable Low Carbon Travel: An Essential Guide for Local Authorities", November 2009
- 7.23 PPS 11: "Regional Spatial Strategies"

**Planning Appeal (PINS Ref.: APP/H0520/A/09/2112959)
The Former RAF Upwood, Upwood/Bury,
Cambridgeshire PE26 2RA**

Appeal Documents

- "SCG 2" Statement of Common Ground between Welch and Matthews dated 2 February 2010
- "SCG 3" Statement of Common Ground between Parker and Mastrandrea dated 2 February 2010
- "SCG 4" Statement of Common Ground between Holloway and Corrance dated 3 February 2010
- "SCG 5" Statement of Common Ground between Lee and Durman dated 3 February 2010

- "SCG 5A" Statement of Common Ground between Lee and Durman dated 5 February 2010
- "App 1" Note relating to the evidence of Michael Monk – clarification relating to Mr Monks tables at 6.3.12, 6.3.14 and 7.2 – prepared by Anthony Aspbury for the Appellants
- "App 2" Stagecoach letter dated 2 February 2010
- "App 3" G D Strawson letter dated 29 January 2010
- "App 4 " Lloyds TSB letter dated 2 February 2010
- "App 5" PwC letter dated 3 February 2010
- "App 6" Turbine Motor Works letter dated 3 February 2010
- "App 7" Stagecoach letter dated 22 January 2010
- "App 8" Policy note on transport prepared by Christopher Holloway
- "App 9" Transport proposal prepared by Christopher Holloway
- "App 10" Appellant's document - Viability table (using acquisition costs of £2.05m)
- "App 11" Christopher Holloway's email dated 5 February 2010 outlining parties agreed transport position
- "App 12" Anthony Aspbury's note on Environmental Statement
- "App 13" Affordable Housing cascade note prepared by the Appellants
- "App 14" Appellant's comments on Nigel Durman's HDC documents dated 12 February 2010
- "App 15" Email dated 23 February 2010 from Gerry Corrance to Chris Holloway
- "App 16" Interest costs per annum
- "App 17" Report by Fulcrum Consulting regarding Community Energy ESCOS and RAF Upwood
- "App 18" Appeal Decision reference APP/F1610/A/09/2112497 – land at Upper Rissington, Gloucestershire
- "App 19" Planning Policy Statement Consultation on planning for a Low Carbon Future in a Changing Climate
- "App 20" Anthony Aspbury's note relating to the Consultation on a draft Planning Policy Statement: 'Planning for a Low Carbon Future in a Changing Climate'

- "App 21" Agreed Conditions (with alternative Condition 7) and related plans
- "App 22" Appellant's Notification of Cost Application dated 23 April 2010
- "App 23" Appeal Decision Upper Rissington Ref. APP/F1616/A/09/21/2497
- "App 24" Certified copies of completed s106 documents dated 30 April 2010 as follows:
- (A) s106 Agreement between Cambridgeshire County Council (**the County**) (1) Strawson Holdings (**Strawsons**) (2) George David Strawson (**GDS**) (3) Lloyds TSB Bank Plc (**Lloyds**) (4) and East of England Agricultural Society (**EE**) (5) in four parts as follows:
 - (i) part executed by EE
 - (ii) part executed by Strawsons and GDS
 - (iii) part executed by Lloyds
 - (iv) part executed by the County
 - (B) Unilateral Undertaking Version A in three parts as follows:
 - (i) part executed by Lloyds
 - (ii) part executed by EE
 - (iii) part executed by Strawsons and GDS
 - (C) Unilateral Undertaking Version B in three parts as follows:
 - (i) part executed by Lloyds
 - (ii) part executed by EE
 - (iii) part executed by Strawsons and GDS
- "App 25" HDCs Closing Submission in writing (without manuscript amendments made at inquiry)
- "App 26" Appellant's Closing Submission in writing (without manuscript amendments made at inquiry)
- "App 27" Notification of Partial Cost Application from HDC

- "App 28" Appellant's response to Notification of Partial Cost Application from HDC 'Appellant's response to the Council's Cost Application'
- "App 29" Partial Cost Application from HDC
- "App 30" Appellant's response to Partial Cost Application from HDC 'Addendum note'
- "App 31" Appellant's Cost Application
- "App 32" Summary Report of *Kensington and Chelsea v SS* for CLG 22 April 2010

Annex 3: Inquiry Proofs of Evidence [and report text references]

(i) for the Applicant

Mr Aspbury – Policy, PDL, Sustainability, Design [A]
Mr Lee – Viability [L]
Mr Holloway – Transport Impact and Sustainability [H]*
Mr Parker – Affordable Housing [P]*
Mr Welch – Commercial Property Market [W]

Rebuttal proofs

Mr Aspbury [AR]
Mr Lee [LR]
Mr Holloway [HR]*
Mr Parker [PR, PR2]*
Mr Welch [WR]

(ii) for the Council

Mr Swaby – Planning Control [S]
Mr Monk – Planning Policy [M]
Mr Durman – Viability [D]
Mr Whittingham – Infrastructure Costs [Wh]
Mr Corrance – Highways and Transport [C]
Mr Mastrandrea – Affordable Housing [Ma]*
Mr Matthews – Commercial Property Market [Mat]

Rebuttal proofs

Mr Swaby [SR]
Mr Monk [MR]
Mr Durman [DR, DR2]
Mr Whittingham [WhR]
Mr Corrance [CR]
Mr Mastrandrea [MaR]*
Mr Matthews [MatR]

(iii) 3rd party written statements

Mr Bucknell [B]
Mr Swales [Sw]
Mr Brown [Br]
Mr Paine [Pa]
Mr Sisman [Si]
Mr Large [La]

* proofs not subject to cross-examination at Inquiry

Annex 4 – abbreviations used in this report (alphabetical)

CCC	-	Cambridgeshire County Council
(The) Council	-	Huntingdonshire District Council
CPSP	-	Cambridgeshire and Peterborough Structure Plan
CSH	-	Code for Sustainable Homes
DPD	-	Development Plan Document
EEP	-	East of England Plan (approved 2008)
EERA	-	East of England Regional Assembly
ES	-	Environmental Statement
EUV	-	Existing Use Value
FRAFU	-	Former RAF Upwood
HCS	-	Huntingdonshire Core Strategy (adopted 2009)
LDD	-	Local Development Document
LDF	-	Local Development Framework
LHA	-	Local Highways Authority
LPA	-	Local Planning Authority
PDL	-	Previously Developed Land (as defined in PPS 3, Annex B)
PPG	-	Planning Policy Guidance
PPS	-	Planning Policy Statement
PROW	-	Public Right of Way
RAF	-	Royal Air Force
RLV	-	Residual Land Value
RSS	-	Regional Spatial Strategy
SCG	-	Statement of Common Ground (between main parties)
SPA	-	Spatial Planning Area (in HCS)
STW	-	Sewage Treatment Works
USAF	-	United States Air Force

PROPOSED DEVELOPMENT: FORMER RAF UPWOOD
PLANNING CONDITIONS AGREED BETWEEN THE COUNCIL AND THE APPELLANT

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Approval of the details of the layout, scale, appearance, access to and the landscaping of the development (hereinafter called the reserved matters) for each of the phases of the development (see condition 5) shall be obtained from the local planning authority in writing before any development on that phase is commenced. The reserved matters shall accord with the parameters set out in Stephen George and Partners Plan No. 301 ('The Parameters Plan').
- 3 Plans and particulars of the reserved matters referred to in condition 2 above, relating to the layout, scale, appearance, access to and the landscaping of that phase of the development (see Condition 5), shall be submitted in writing to the local planning authority and shall be carried out as approved.
- 4 Application for approval of reserved matters for the first phase of the development (see Condition 5) shall be made to the local planning authority before the expiration of three years from the date of this permission. Application for approval of reserved matters for all subsequent phases of the development shall be made to the local planning authority before the expiration of ten years from the date of this permission.
- 5 The development hereby permitted shall be implemented in phases as defined on Stephen George & Partners Plan No.101. Notwithstanding that Plan, no phase shall comprise more than 100 dwellings. Approval of reserved matters shall not be sought for more than two phases at a time. Not less than 40% of the dwellings shall be occupied in a phase in the course of implementation before application for approval of reserved matters for the next phase(s) is submitted.
- 6 No development shall take place until the applicant, or their agent or successors in title has secured the agreement of the local planning authority to a written scheme of archaeological investigation/mitigation submitted by the applicant, or their agent or successors in title. Development will take place in accordance with details or conditions set out in the programme.
- 7 The dwellings hereby permitted shall achieve Level 5 of the Code for Sustainable Homes and the commercial and community buildings (other than converted buildings) hereby permitted shall achieve BREEAM 'Excellent' rating. No individual building (other than converted buildings), including a dwelling house, shall be occupied until a final Code Certificate/BREEAM rating has been issued for it, certifying that Code Level 5/BREEAM Excellent rating has been achieved.

(Alternative for Secretary of State – Principle NOT agreed by Council

The dwellings hereby permitted shall achieve Level 4 of the Code for Sustainable Homes and the commercial and community buildings (other than converted buildings) hereby permitted shall achieve BREEAM 'Very Good' rating. No individual building (other than converted buildings), including a dwelling house, shall be occupied until a final Code Certificate/BREEAM rating has been issued for it, certifying that Code Level 4/BREEAM Very Good rating has been achieved.)

- 8 Development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall not begin until a Development Brief setting out guidance for the layout and detailed design of the development has been submitted to and approved by the local planning authority. The development will be carried out in accordance with the terms of the Development Brief.
- 9 Development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall not begin until details of the off-site works to the public highway described in the Transport Assessment and shown on BWB Consulting Plan Nos. NTH/051/004 Revision P3, NTH/051/005 Revision P2, NTH/051/007 Revision P1 NTH/051/008 Revision P2 together with the means of access to the site shown on BWB Consulting Plans NTH/051/002 Revision P3, NTH/051/003 Revision P3 and NTH/051/009 Revision P2 have been approved in writing by the local planning authority. The works will be carried out and completed in accordance with the approved details.
- 10 Development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall not begin until a Residential, a Workplace and a School Travel Plan, setting out the framework within which the developer will seek to reduce the number of private car trips to the site and encourage the use of non-car modes of transport, have been submitted to and approved in writing by the Local Planning Authority. The provisions of the approved plans shall thereafter be implemented in full.
- 11 No development (other than the demolition, clearance of buildings and any reclamation and remediation of the Site) shall take place until schemes for the provision of traffic management measures in Ramsey and in Great Raveley and Little Raveley have been submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented before occupation of the one hundredth dwelling in accordance with the approved details.
- 12 No building, including dwellings, shall be occupied until the specifications for the construction of any vehicular service road, cycleway or footpath which provides access to it have been submitted to and approved in writing by the local planning authority. The construction of the service road, cycleway or footpath shall be in accordance with the approved specifications. They shall be constructed to at least base course level before the first occupation of the building.

- 13 No building, including dwellings, shall be occupied until space has been laid out for cars to be parked in accordance with the approved plans.
- 14 Development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall not begin until details of the off-site bus stops and other bus infrastructure have been approved in writing by the local planning authority; and no building shall be occupied until those stops and other infrastructure have been constructed in accordance with the approved plans.
- 15 Development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall not begin in a phase until details of the bus stops and other bus infrastructure to be provided within that phase have been approved in writing by the local planning authority; and no building within that phase shall be occupied until those stops and other infrastructure have been constructed in accordance with the approved plans.
- 16 Before occupation of the first new dwelling at least 1 hectare of employment land (that is land devoted to uses falling within Part B [Classes B1 and B2] of the Town and Country Planning [Use Classes] Order 1995 [or any statutory instrument revoking and re-enacting that Order with or without modification]) shall be reclaimed, laid out, provided with vehicular, cycle and pedestrian access, drainage and utility services and be available for disposal and for the erection of buildings. Thereafter, a further 1.5 hectares of employment land shall be reclaimed, laid out, provided with vehicular, cycle and pedestrian access, drainage and utility services and be available for disposal and for the erection of buildings before the one hundredth, two hundredth, three hundredth, four hundredth, five hundredth and six hundredth dwellings respectively are occupied (providing a total of not less than 9 hectares of employment land).
- 17 Notwithstanding Condition 16, before the first new dwelling is occupied at least 1500 square metres of employment floor space (that is floor space encompassing uses falling within Part B (Class B1) of the Town and Country Planning (Use Classes) Order 1995 or in any provision to that Part and those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) shall be completed and made available for disposal and occupation.
- 18 Before the occupation of the one hundredth dwelling, the Neighbourhood Centre, comprising the local shopping, commercial and community buildings (together with ancillary car and bicycle parking and landscaping) identified on the Masterplan (Stephen George and Partners Drawing: 201) shall be completed in accordance with the approved plans and made available for disposal and occupation.
- 19 Before the occupation of the one hundredth dwelling full details of the sports pitches, allotment land and the informal open space relating to the whole of the development shall be submitted to and approved by the local planning authority. These pitches allotments and open space shall be laid out in accordance with the approved plans and made available for use before occupation of the two hundredth dwelling.

- 20 No more than 50% of the open market dwellings in any phase of the development shall be occupied until those areas within that phase identified as play areas, for informal recreation and other amenity open space have been laid out in accordance with the plans and other particulars constituting the approved reserved matters for that phase.
- 21 No development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall take place until full details of both hard and soft structural landscape works (that is landscape works relating to the whole development and not to any separate phase thereof) have been submitted and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure/boundary treatment; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.; retained historic landscape features and proposals for restoration, where relevant).
- 22 Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;) and, an implementation programme.
- 23 The plans and particulars submitted in accordance with condition 22 above shall include:
- (a) a plan showing the location of, and allocating a reference number to, each existing tree on site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - (e) details of the specification and position of fencing and of any measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the referred to in paragraph (a) above.

- 24 All hard and soft structural landscaping works approved in accordance with Condition 22 above shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed with the local planning authority.
- 25 No development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall take place until a landscape and biodiversity management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas and wildlife habitats, other than small, privately-owned, domestic gardens, has been submitted to and approved by the local planning authority. The landscape and biodiversity management plan shall be carried out as approved.
- 26 No development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall take place until details of the design, implementation and management of the reinstated and upgraded sewage treatment works on the site have been submitted to and approved in writing by the local planning authority. The works shall be designed so as to facilitate its adoption by any public body or statutory undertaker. The improvement works shall be implemented before first occupation of any building and thereafter managed and maintained in accordance with the approved details. Those details shall include a management and maintenance plan for the lifetime of the development which shall incorporate the arrangements for adoption by any public body or statutory undertaker, or any arrangements to secure operation of the sewage treatment works throughout its lifetime.
- 27 No development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall take place until details of the design, phasing, implementation and management of the sustainable urban drainage system have been submitted to and approved in writing by the local planning authority. No new development creating additional surface water run-off in any phase shall be commenced until the drainage works for that phase have been implemented. Following implementation the drainage works shall be managed and maintained in accordance with the approved details. Those details shall include a management and maintenance plan for the lifetime of the development which shall incorporate the arrangements for adoption by any public body or statutory undertaker, or any arrangements to secure operation of the sustainable urban drainage scheme throughout its lifetime.
- 28 No development (other than the demolition, clearance of buildings and any reclamation and remediation of the site) shall take place until details of the design, implementation and management of the biomass boiler and related district heating scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented before first occupation of any building and thereafter managed and maintained in accordance with the approved details. Those details shall include a management and maintenance plan for the lifetime of the development which shall incorporate arrangements to secure operation of the biomass boiler and district heating scheme throughout its lifetime.

29 Development shall not begin until a scheme for the investigation and remediation of contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall assess the nature and extent of any contamination on the site and where appropriate provide an appraisal of the remedial options and of the preferred options conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR11. The scheme shall include a survey of the extent, scale and nature of contamination; and an assessment of the potential risks to the following receptors:

- human health;
- property (existing or proposed) including buildings, service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems.

The works of remediation of contamination shall be carried out in accordance with the details or conditions and the programme set out in the approved scheme. The Local Planning Authority shall be given written notification of the commencement of remediation works not less than 10 working days before the commencement of such works.

Upon completion of the works identified in the approved scheme of remediation, a verification report demonstrating the effectiveness of the remediation that has been carried out shall be submitted to and approved in writing by the local planning authority in accordance with a timescale to be set out in the approved scheme.

30 No development shall take place, including works of demolition, clearance of buildings and any reclamation and remediation of the site, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors;
- (b) the loading and unloading of plant and materials;
- (c) the storage of plant used and materials resulting from the demolition, reclamation and remediation of the site and the storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;

- (f) measures to control the emission of dust and dirt during demolition, reclamation remediation and construction;
- (g) measures to control the emission of noise during demolition, reclamation remediation and construction;
- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works.

- 31 No more than 650 dwellings and 10 hectares of employment shall be developed on the site.
- 32 Save for where such floorspace is ancillary to UCO B1(c) and B2 uses, no more than 16,500 square metres gross internal floor area of buildings falling within UCO Class B1(a)(Offices) shall be erected on the Site.

19 August 2010

Mrs J Holland
Planning Services
Huntingdonshire District Council
Pathfinder House
St Marys Street
Huntingdon
PE29 3TN

Our ref: APP/H0520/A/09/2112959

Dear Mrs Holland,

**LOCAL GOVERNMENT ACT 1972 – SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 AND 320
APPEAL BY STRAWSON DEVELOPMENTS LTD/OMNIVALE LTD
AT FORMER RAF UPWOOD, UPWOOD ROAD/RAMSEY ROAD, BURY/RAMSEY,
CAMBRIDGESHIRE PE26 2XN
APPLICATION: REF 09/00342/OUT**

APPLICATIONS FOR COSTS

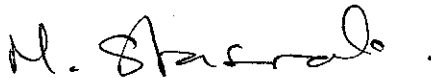
1. I am directed by the Secretary of State to refer to the enclosed letter notifying his decision on the application as listed above and summarised below:

appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an outline application for the demolition and clearance of redundant buildings; removal of redundant fixed infrastructure; reclamation and remediation of land; and redevelopment for mixed uses, including housing (650 units), employment (10ha), and neighbourhood centre and landscaped open space.

2. This letter deals with your application for a partial award of costs against Strawson Developments Ltd/Omnivale Ltd. The application as submitted and Strawson Developments Ltd/Omnivale Ltd's response are recorded in the Inspector's costs report, a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of 'unreasonable behaviour' resulting in unnecessary expense. The application for costs has been considered in the light of the policy guidance in Circular 03/09, the Inspector's costs report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.

4. The Inspector's conclusions are stated at paragraphs 3-10 of his costs report. He recommended that your application for a partial award of costs be refused.
5. Having considered all the available evidence, and having particular regard to Circular 03/09, the Secretary of State agrees with the Inspector's conclusions in his report and accepts his recommendation. Accordingly, he has decided that a partial award of costs against Strawson Developments Ltd/Omnivale Ltd, on grounds of 'unreasonable behaviour', is not justified in the particular circumstances. The application is therefore refused.
6. A copy of this letter has been sent to the agent for Strawson Developments Ltd/Omnivale Ltd.

Yours faithfully,



Maria Stasiak
Authorised by the Secretary of State
to sign in that behalf

19 August 2010

Ms Amanda Beresford
Addleshaw Goddard
Sovereign House
PO Box 8
Sovereign Street
LEEDS
LS1 1HQ

Our ref: APP/H0520/A/09/2112959

Dear Ms Beresford,

**LOCAL GOVERNMENT ACT 1972 – SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 AND 320
APPEAL BY STRAWSON DEVELOPMENTS LTD/OMNIVALE LTD
AT FORMER RAF UPWOOD, UPWOOD ROAD/RAMSEY ROAD, BURY/RAMSEY,
CAMBRIDGESHIRE PE26 2XN
APPLICATION: REF 09/00342/OUT**

APPLICATIONS FOR COSTS

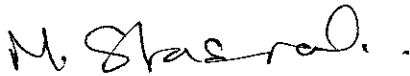
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2. This letter deals with your client's application for a full award of costs against Huntingdonshire District Council (HDC). The application as submitted and HDC's response are recorded in the Inspector's costs report, a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of 'unreasonable behaviour' resulting in unnecessary expense. The application for costs has been considered in the light of the policy guidance in Circular 03/09, the Inspector's costs report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.

4. The Inspector's conclusions are stated at paragraphs 3-17 of his costs report. He recommended that your client's application for a full award of costs be refused.
5. Having considered all the available evidence, and having particular regard to Circular 03/09, the Secretary of State agrees with the Inspector's conclusions in his report and accepts his recommendation. Accordingly, he has decided that a full award of costs against HDC, on grounds of 'unreasonable behaviour', is not justified in the particular circumstances. The application is therefore refused.
6. A copy of this letter has been sent to Huntingdonshire District Council.

Yours sincerely,



Maria Stasiak

Authorised by the Secretary of State
to sign in that behalf



Costs Report to the Secretary of State for Communities and Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

by **P E Dobsen MA (Oxon) DipTP**
MRTPI FRGS
an Inspector appointed by the Secretary of State
for Communities and Local Government

Date: 16 July 2010

Town and Country Planning Act 1990

Section 78 Inquiry into an appeal against the failure of Huntingdonshire District
Council to determine an application for outline planning permission

FORMER RAF UPWOOD, UPWOOD ROAD/RAMSEY ROAD, BURY/RAMSEY, CAMBS.
PE26 2XN

Application and appeal by Strawson Developments Ltd./Omnivale Ltd.

Inquiry opened on 26 January 2010; closed on 30 April 2010

Former RAF Upwood, Upwood Road/Ramsey Road, Bury/Ramsey, Cambs. PE26 2XN

File Ref(s): APP/H0520/A/09/2112959

File Ref: APP/H0520/A/09/2112959

**Former RAF Upwood, Upwood Road/Ramsey Road, Bury/Ramsey, Cambs.
PE26 2XN**

- The application is made under the Town and Country Planning Act 1990, sections 78 and 320, and the Local Government Act 1972, section 250(5).
- The application is made by Strawson Developments Ltd/Omnivale Ltd. for a full award of costs against Huntingdonshire District Council.
- The inquiry was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an outline application for the demolition and clearance of redundant buildings; removal of redundant fixed infrastructure; reclamation and remediation of land; and redevelopment for mixed uses, including housing (650 units), employment (10 ha.), a neighbourhood centre and landscaped open space

Summary of Recommendation: The application for an award of costs be refused.

The Submissions for Strawson Developments/Omnivale Ltd.

1. The submissions are in the Appendix to this report. I give the gist of them in my conclusions below.

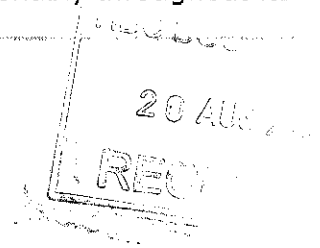
The Response by Huntingdonshire District Council

2. The response is in the Appendix to this report. I give the gist of it in my conclusions below.

Conclusions

3. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. In brief summary, the application is for a full award of costs, as detailed in the Appendix. It is based on the premise that outline planning permission should have been granted, thereby obviating the need for an appeal, an Inquiry lasting some 13 sitting days, and all the attendant costs borne by the appellants.
5. In particular, the appellants say that the Council was both undisciplined and pedantic in its conduct of the appeal, both before and during the Inquiry, raising trivial or misconceived objections to the appeal scheme at various points in the process.
6. Moreover, its entire case was fundamentally flawed as it was based on the false assertion that its own preferred scheme for the site (the HCS or Huntingdonshire Core Strategy scheme, for a much smaller quantum of development) was, and remains, simply not viable. As such, there is no prospect that it can or will be delivered. That was amply demonstrated by the viability evidence of Dr. Lee for the appellants, which showed the flaws in that of Mr. Durman, for the Council.

7. In addition, the Council's case flew in the face of the clear Government guidance in PPS 12 (CD3.7) on core strategies. This stresses the paramount importance of deliverability, which, in turn, depends crucially on viability. In short, while the Council placed so much reliance on the HCS, as regards the Ramsey Spatial Planning Area, the HCS was and is not deliverable.
8. Finally, the Appellants suggest that the Council's case largely ignores Government policy advice in PPS 1: Planning and Climate Change (CD3.2). The appeal scheme has impeccable sustainability credentials, including many measures aimed at limiting carbon emissions, but the Council has given them very scant regard. That is a yet further indication of its unreasonableness in its handling of the planning application.
9. For its part, the Council vigorously resists the costs application, as detailed in the Appendix. Although it did not determine the planning application within the appointed time, it published 10 putative reasons for refusing it. These were all valid and justified in the light of the information then available. Following the lodging of the appeal, it willingly co-operated with the appellants in narrowing the differences between them, such that only 4 putative reasons for refusal remained. All of these were strongly defended at the Inquiry, and backed up by ample and painstaking expert evidence.
10. That included the Council's evidence on viability; although there were many discussions between the relevant witnesses, and much common ground (see SCG5A) there remained several genuine disagreements, which were fully aired at the Inquiry. The Council can do no more; the Secretary of State must decide which side's case on viability he prefers.
11. As for PPS 12 and PPS 1, the Council was mindful of these throughout, as a perusal of its committee reports, other background documents and proofs of evidence will attest.
12. On the question of the HCS, the Secretary of State should bear in mind that this was adopted quite recently, after a thorough examination by an independent Inspector. The appellants appeared at that examination. While promoting their plans for RAF Upwood, they deployed very much the same arguments as they have used at this Inquiry, albeit in rather less detail; however, in the event the HCS Inspector simply did not accept them, as he made clear in his report. Thus the HCS was judged to be sound, and was then duly adopted. Of particular relevance to this Inquiry, it gives a clear indication of the level of development which is appropriate in the Ramsey SPA. Thus the Council's case at the Inquiry is based on that strong and clear steer from the HCS Inspector, and on what are now adopted development plan policies. These merit very considerable weight.
13. As for the detailed arguments on viability, the Council's approach is in the Inquiry evidence, with some of the key points summarised in the Appendix.
14. I have considered both parties' arguments on the costs application, as briefly summarised above. They both contain broad matters of principle, as well as somewhat fastidious detail. In general, and without specifically addressing all of these arguments, I agree with and support the Council's submissions. In my opinion, the Council (and Cambridgeshire County Council, from whom costs are not sought) acted reasonably throughout its



consideration of the application and its conduct of the appeal, both in drawing up its initial, putative list of reasons for refusal, then in co-operating with the appellants in narrowing these down (which led to further co-operation on the drawing up of agreed conditions and draft planning obligations), and finally in putting a substantial case to support the remaining reasons for refusal at the Inquiry. That includes its evidence on viability, which the appellants see as central to the appeal.

15. The Council's willingness to co-operate with the appellants is, I think, also demonstrated by the production of 5 statements of common ground, both before and during the Inquiry. That is not indicative of a dismissive or obstructive attitude towards them.
16. Importantly, I do not consider that the Council was mistaken or unreasonable in placing much reliance upon its recently adopted core strategy (the HCS), and in seeking to adhere to its policies for the Ramsey SPA. Also, in my view, its case was consistent and clear throughout the process of the Inquiry. The appellants complain about trivial objections - in my experience a lengthy Inquiry is almost guaranteed to produce a few red herrings, usually from both sides - but for the most part this Inquiry was quite rightly focused on the substantive points genuinely at issue.
17. I conclude that the Council's conduct of the appeal and the Inquiry conforms with the good practice advice and strictures in the costs Circular, and that it was not therefore unreasonable within the terms of that Circular. In my opinion, an award of costs to the appellants by the Council is not justified.

Recommendation

18. I recommend that the application for an award of costs be refused.

Paul Dobsen

APPENDIX

RAF Upwood : Appellant's Costs Application

1. The purpose of making costs awards in the planning system is to impose discipline in handling applications and conducting appeals. This application provides the Secretary of State with a clear opportunity to remind Councils of the high importance of understanding and applying fundamental and well known precepts of national policy advice. This will have the desirable benefits of imposing discipline, reducing the number of inquiries and fulfilling the objectives of national policy.
2. Discipline has been conspicuously absent in the conduct of Huntingdonshire District Council in the consideration of this application and in the conduct of this appeal. That proposition applies to almost every aspect of their conduct but it justifies an award of costs with regard to their failure to understand national policy in two important respects; PPS1 CC and PPS 12.
3. PPS1 CC was published in December 2007 and ought to have been present in the mind of the Council when they had this application before them in Spring 2009.
4. Paragraph 9 sets out "Key Planning Objectives". Mr Aspbury carefully examined each one of these objectives and explained how each is directly advanced by the appeal proposals. No serious attempt was made by any witness on behalf of the Council to dispute the correctness of that analysis. Instead the paragraph was entirely ignored by the Council even though they called two separate planning witnesses.
5. Mr Aspbury then drew attention to paragraph 40 of PPS1 CC which reads:

"An applicant for planning permission to develop a proposal that will contribute to the delivery of the Key Planning Objectives set out in this PPS should expect expeditious and sympathetic handling of the planning application"
6. Mr Aspbury explained that, far from receiving sympathetic and expeditious treatment, this application has been blocked at every turn by silly, pettifogging and insubstantial objections which have ignored the various ways in which the appeal proposals advance the Key Planning Objectives of PPS1 CC.
7. In conducting themselves in this way the Council have shown a lack of discipline and an insufficient understanding of the importance which the Secretary of State attaches to PPS1 CC Key Planning Objectives to such an extent that an award of costs is justified.
8. The second ground upon which an award of costs is justified arises from, and is closely associated with, the first.

9. The Council have obstructed the appeal proposals on the grounds that if they are rejected an alternative form of development will come forward ie. 2 ha/150 units.
10. Their case is based on a Core Strategy allocation of that quantity of development.
11. The councils case thus presented is wholly unrealistic and entirely out of conformity with PPS12.
12. PPS12 requires, above all other matters, realism. This is because delivery is at the heart of the forward planning process and it is recognised that if a strategy is not realistic then it will not be delivered (See para 4.4). This need for realism requires Councils to take into account, amongst other things, the perspective of landowners who will be responsible for bringing forward proposals to meet the strategy:

"There is no point in proceeding with options for the Core Strategy which cannot be delivered as a result of failure to obtain the agreement of key delivery agencies" (para 4.28).
13. Mr Aspbury explained that since 2002 the Appellants have been trying to make the Council understand that 150 units/2 ha is not viable and therefore not realistic and therefore not deliverable. The truth of that proposition is now revealed in the agreed evidence before this Inquiry which reveals the 2 ha/150 unit scheme generates a £2 million loss when assessed against the acquisition and holding costs which have already been incurred by the Appellant.
14. In bringing forward the Core Strategy the Council ignored all of these representations and have now produced a strategy for this S.P.A. which is unrealistic because it is not viable. The Core Strategy is therefore not deliverable at this S.P.A. and is in contravention of PPS 12. All of this has been clearly and repeatedly explained to the council since 2002.
15. Worse, in presenting their case to this Inquiry the Council have maintained that the 2ha/150 unit scheme is realistic by reference to an abstract formula which pays no regard at all to the actual position in which the Appellant finds itself. Thus the Council argue the 2ha/150 unit scheme will cause a £2 million loss to the Appellants but maintain it is realistic when assessed against existing use value (EUV).
16. This is an Alice in Wonderland analysis which disregards reality in clear contravention of PPS12 which requires that the need for realism:

"... includes ensuring that partners who are essential to the delivery of the plan such as landowners and developers are signed up to it."
17. Mr Aspbury explained that the Appellant is not "signed up to" the 2ha/150 unit scheme because it is not viable. The council have failed to understand the significance of that evidence and have thereby failed to correctly understand or apply PPS 12.

18. In each case, if the Council had correctly understood and followed national advice they would have granted permission for these proposals and the Appellants would never have incurred the costs of attending this Inquiry.

**APPEAL BY OMNIVALE LTD AND STRAWSON DEVELOPMENTS LTD
IN RESPECT OF A SITE AT THE FORMER RAF UPWOOD, RAMSEY,
CAMBRIDGESHIRE**

PINS Ref APP/H0520/A/09/2112959/NWF

**RESPONSE BY HUNTINGDONSHIRE DISTRICT COUNCIL TO AN
APPLICATION FOR COSTS BY MADE THE APPELLANT**

1. By its letter dated 23 April 2010 the appellant has provided note of its intention to make a cost application against the Council. The appellant makes its application for a foreword of costs against the Council upon the basis of six grounds which are set out in the letter. It is noted that the costs application submitted on 29th April does not follow that form and this response is made to the later written application.
2. The basis upon which an application for costs can be made against another party in planning proceedings is set out in Circular 03/2009 issued by the Department for Communities and Local Government. As paragraph 1 of the circular makes clear the purpose of the costs regime is to increase the discipline of parties when taking action within the planning system, through financial consequences for those parties who have behaved unreasonably and caused unnecessary or wasted expense in the process.
3. The Council rejects the contention that it has behaved unreasonably or caused wasted expense to the appellant by reason of its conduct in the planning process relating to this application.
4. As paragraph A24 of the circular makes clear an applicant for costs will need to demonstrate clearly how any alleged unreasonable behaviour has resulted in unnecessary waste of expense and decisions will be taken on the balance of probability.

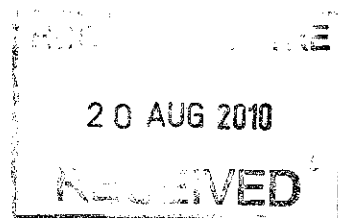
Conformity to National Planning Policy Guidance (PPS1 CC and PPS12)

5. The Appellant's claim for a full award of costs in relation to the Climate Change Supplement to PPS1 alleges that the Local Planning Authority has failed to understand this aspect of national planning policy. The Authority refutes this for the following reasons:
6. Paragraph 3 of the Costs Application is simply incorrect in inferring that PPS1 CC was not in the mind of the Authority when it considered the application. It was considered extensively in

paragraphs 8.28 onwards of the report to the Development Management Panel.

7. PPS1 CC sets out a range of considerations but for the reasons set out in the Report to the Development Management Panel, the Authority considered, on balance, that it was not appropriate to grant planning permission.
8. It follows, having made the judgement that the considerations set out in PPS1 CC did not outweigh the provisions of the Development Plan, the proposal could not have been sympathetically handled by granting planning permission.
9. Paragraph 10 of PPS1 The Planning System: General Principles explains the legislative basis for determining planning applications: *"Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date. The 2004 Act provides that if there is a conflict between policies in an RSS or policies in a DPD, the most recent policy will take precedence."*
10. In this case, the relevant elements of the Development Plan are the Regional Spatial Strategy in the form of the East of England Plan 2008 and the Adopted Huntingdonshire Core Strategy 2009. Both documents are up to date and fully in accordance with National Planning Policy Statements. Determined against these Development Plan documents, the planning application does not accord with the housing or employment proposals for the Ramsey SPA.
11. The Appellant made representations on the Core Strategy and were participants at the Examination in Public. The relevant representations on Main Matter 2¹ can be summarised as:
 - (1) There is scope for redistribution of housing provision to promote sustainable, development-led regeneration and effective use of brownfield land at former RAF Upwood (para 2.2).
 - (2) Policy CS2 for the Ramsey Spatial Planning Area (SPA) is inadequate (para 2.3).
 - (3) Planned housing provision in the Ramsey SPA fails to exploit the opportunity for development-led regeneration and infrastructure

¹ (LPA. Monk, Proof Appendix 7)



including a step change in public transport infrastructure (paras 2.4 and 2.9).

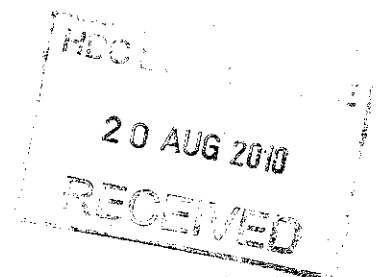
- (4) The Core Strategy is unsound (para 2.5).
 - (5) Former RAF Upwood is redundant and derelict. It is a wasted development opportunity and causes harm to the area (para 2.6).
 - (6) Partial reclamation and redevelopment of the site is not commercially viable (para 2.6).
 - (7) Housing-led regeneration of former RAF Upwood would confer substantial benefits that would overcome the reason for the small housing allocation.
 - (8) The development would be an exemplar of highly sustainable development to Code for Sustainable Homes Level 5 (para 2.9).
12. It can therefore be seen that the Appellant advanced the full range of arguments deployed at this Inquiry as they did at the Examination in Public. Importantly, however, the Core Strategy Inspector did not accept these arguments in their entirety and found the Core Strategy to be sound. He specifically addressed the scale and nature of development in the Ramsey SPA in paragraphs 3.45 and 3.67 of his report where he endorsed the Authority's approach.
13. This appeal is therefore, in effect, an attempt to overturn the provisions of the Core Strategy, which have very recently been found by the Secretary of State to be sound, up to date and in compliance with all relevant national planning policy, including PPS1 CC and PPS12. As such, the Appellant's statements at paragraphs 11, 12, 14, 16, 17 and 18 of the claim for costs are wrong and misguided and do not form a sound or reasonable case for costs to be awarded against the authority.

The Authority's Approach to Assessing Viability

14. The Appellant's claim for costs in relation to viability can be split into two elements, though they are linked:
- (1) An extension to the argument above that the Authority ignored Government guidance as set down in PPS12 regarding the need to only allocate sites that have the full agreement with the landowner (paras 11 and 16); and
 - (2) That the Authority has maintained that the level of development promoted in the Core Strategy is viable by reference to "an abstract formula" which pays no regard to the fact that the Appellant will apparently make a £2 million loss were it to implement this scheme (paras 13 and 15).
15. Dealing with each claim in turn, the issue of compliance with PPS12 was explored in detail in the examination of the parties' evidence during this Inquiry, just as it was at the Core Strategy

Examination in Public. The Authority does not intend to repeat the positions expressed already because they are fully addressed in closing submissions. However, the issue for this costs application is whether the Authority has acted unreasonably in not granting planning permission.

16. The Authority strongly contends that it has not acted unreasonably in terms of PPS12, which was confirmed by the Core Strategy Inspector and Secretary of State. Nevertheless, the Appellant is interpreting PPS12 para 4.4 such that, in its objective to recover its full acquisition and holding costs accrued over at least a 10 year period, it is, in effect, seeking to hold the Authority to ransom and using the threat of sterilising the land as a negotiating point. That cannot reasonably have been the intention of PPS12, nor be an approach that the Secretary of State can endorse, as it would set a very dangerous precedent.
17. If, however, the Authority's approach to the viability benchmark is accepted, the Appellants will, of necessity, have to reconsider its position. The Appellants may still elect not to develop the site and 'wait and see', which is their prerogative, but as discussed below, doing so will merely raise the Appellant's required benchmark even higher as debt interest costs mount.
18. With regard to the second point on viability, it is not the Council's case that the 150 unit / 2ha scheme will cause a £2 million loss to the Appellant (as suggested in para 13). Firstly, it is not at all clear where the figure of a £2 million 'loss' comes from. Secondly, it is misleading and wrong to state that using "agreed evidence before the Inquiry" that the Core Strategy development creates a loss to the Appellant of £2 million. The Authority's case is set out in its evidence and the salient facts are in Statement of Common Ground 5a. However, in summary:
 - (1) The Appellant has provided no evidence as to the current book value of the site;
 - (2) The Appellant has also not fully evidenced its claimed costs incurred in promoting the site - and that these costs remain 'on the books';
 - (3) Further, the Appellant's expert witness Mr Lee accepted under cross-examination that if this appeal, and indeed any future appeal, were unsuccessful, the Appellant's claimed 'loss' will simply continue to increase. Mr Lee therefore accepted that at some point in the future, the Appellant would most probably be forced to crystallise the value of the site, which would then be at Existing Use Value.
 - (4) In comparison, the Authority contends that its approach actually offers the Appellant an ability to extract value from the site now, reducing its on-going losses.



19. The Appellant makes much of the fact that the Authority has only appraised the Core Strategy scheme of 150 units / 2ha of employment (paras 9, 10 and 17). The Authority contends that this is entirely logical and reasonable:
- (1) In its planning application, the Appellant made unsubstantiated claims that "nothing less than that applied for is viable". However, the only 'evidence' submitted with the application was a one page appraisal that was not evidenced or explained and that only related to the Core Strategy proposal of 150 units / 2 ha of employment land.
 - (2) As such, in determining the accuracy of this statement, the Authority quite properly firstly appraised the newly adopted Core Strategy proposition. If this had not been found to be viable, then the Authority would have logically increased the quantum of development until viability was reached.
 - (3) However, such further iterations were not necessary as the Authority determined that, using the established and proper benchmark of Existing Use Value, the Core Strategy scheme was indeed viable, albeit not providing the 40% target for affordable housing. Furthermore, the quantum of development promoted in the Appeal scheme was shown to exceed the benchmark, and if lesser sustainability targets had been set, such scale of development could even have provided the full 40% affordable housing target.
 - (4) This strongly suggests that a level of development of less than 650 units / 10 ha of employment land could have been promoted by the Appellant. Indeed, this actually suggests that it was the Appellant, and not the Authority, that was acting unreasonably in its assessment of viability, which in turn caused an unreasonable and unnecessary burden on the Authority.
20. The Appellant refers on a regular basis to the Authority not appreciating the 'reality' of the Appellant's position, or observing the 'realism' required from authorities in the outworking of PPS12 (Appellant's claim for costs paras 11, 12, 13, 14, 15 and 16). The Authority strongly refutes these claims, and actually suggests that it is the Appellant who is not being realistic in that it is asking the Secretary of State to insulate it from its poor, historic, speculative investment decisions.
21. The Appellant's letter to the Planning Inspectorate dated 23 April 2010 acknowledges that it is "*a private commercial entity*" – a fact reiterated by Appellant's Advocate in the discussion regarding S106 Obligations on 29 April 2010. The Appellant is nevertheless asking the Secretary of State to 'bail it out' from mounting cost associated with its purchase of land without planning permission more than 10 years ago.

22. The Authority contends that the purchase was speculative in nature, as the majority of the site did not have planning permission and no guarantees were available that the site would ever be considered appropriate for large-scale future development. Indeed, the site has never been allocated for development in an adopted development plan. Since its acquisition, the Appellant has attempted, but failed, to obtain either a planning permission or an allocation for comprehensive residential-led development, as discussed above, most recently in the adopted Core Strategy.
23. Therefore, despite the Appellant's poor speculative investment decision, which is solely its responsibility, the Appellant is nevertheless demanding that the planning system not only insulates it from its own poor decisions, but further that the Authority has acted unreasonably in providing viability evidence that is entirely consistent with Government guidance, as well as the overwhelming majority of previous planning appeal decisions on other sites.
24. Government guidance – and indeed the Authority's own evidence as submitted by Mr Durman – acknowledges that a landowner might seek a return over its costs when bringing sites forward for development. However, neither the Government's guidance; recent appeal decisions; nor the Authority's evidence accepts that the Appellant has the guaranteed right to any return, other than that based on a margin over Existing Use Value. There is certainly no guidance or evidence that has been submitted to the Inquiry that the landowner should be the sole, subjective arbiter of viability, which could ultimately lead to the sterilisation and ransoming of land allocated in Development Plans.
25. As such, the Appellant has failed to provide proper evidence that its position is acceptable and reasonable both as a matter of principle and that the Appellant's purchase and holding costs claimed are reasonable and legitimate in practice. The only source for the Appellant's position is that of the Jericho Canalside case (APP/D3125/A/09/2104658), but the use of acquisition cost in that situation is clearly stated by the Inspector as being exceptional and that the norm should be the use of EUV. The Council does not accept that the redevelopment of RAF Upwood warrants an exceptional case being made for the use of purchase price and holding costs. Indeed, there are key differences between the Appeal site and that at Jericho Boatyard².
26. By way of reposit, the Authority has demonstrated in its evidence that key Government guidance and appeal decisions support the Authority's position on the realism that should be adopted by landowners in bringing sites forward for development (see summary references below), and that the Authority's approach is not using

² (LPA, Durman, Rebuttal Proof, paras 1.26 to 1.28)

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"an abstract formula" as stated in para 15 of the Appellant's claim for costs. The Authority has further demonstrated that it is indeed reasonable and a commercial reality to expect landowners to bring sites forward even if they make a 'loss'.³

27. Thus, the Authority contends that it is the Appellant (and not the Authority) who is approaching viability with "an Alice in Wonderland analysis", which disregards the commercial realities accepted (though not necessarily liked) by other developers who have had to write back / off historic costs and values.

Conclusion

28. Paragraph 18 of the Appellant's claim for costs suggests that, had the Authority appropriately considered PPS1 CC; PPS12 and conducted a viability assessment as deemed appropriate by the Appellant, the Authority would have granted planning permission and thus there would not have been the need for the Appeal, and thus the Appellant's costs. That is not an appropriate claim for costs as set down in the Circular.
29. Further, quite apart from the fact that the Core Strategy has been found to be sound by the Secretary of State (and so meets the requirements of PPS1 CC and PPS12), and the fact that the Authority's approach to viability is endorsed in Government guidance and appeal decisions – including more recently the Secretary of State – it does not follow that the application would have been approved had the Authority accepted the claims by the Appellant. For example, the claim for costs ignores key areas of disagreement between the parties such as Public Transport provision.
30. Therefore, the Authority contends that with reference to paragraph A12 of Circular 03/2009 (Costs Awards in Appeals and Other Planning Proceedings), the Appellant has not demonstrated that the Authority has acted unreasonably and the unreasonable behaviour has caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Indeed, quite the contrary position obtains.

³Explanatory evidence supporting the Authority's position is set out in LPA, Durman, Proof paras 5.5 to 5.7; LPA, Durman, Rebuttal Proof paras 1.23 to 1.38; and LPA, Durman, Supplemental Rebuttal Proof paras 1.9 to 1.17. Key reference documents include: Homes & Communities Agency Guidance to Economic Appraisal Tool (CD.7.17); Homes & Communities Agency Good Practice Note: "Investment and Planning Obligations: Responding to the Downturn" (CD 7.11); and Secretary of State's Decision letter date 25 February 2010 on the "Clay Farm" Appeal (APP/Q0505/A/09/2103599/NWF) (cf. LPA, Durman, Supplemental Rebuttal Proof paras 1.14 to 1.17).

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30th April 2010

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RECEIVED

ADDLESHAW GODDARD

Our reference AQB/CAM/28302-102

23 April 2010

BY EMAIL & POST

Ms S Evans
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BS1 6PN

Dear Sian

**Planning Appeal (PINS Ref: APP/H0520/A/09/2112959)
The Former RAF Upwood, Upwood/Bury, Cambridgeshire PE26 2RA**

I refer to the abovementioned Appeal. I write to provide notice of our intention to make a costs application against the Council and to provide an update on the section 106 with the District Council.

In accordance with circular 03/2009 paragraphs A31 and A32, I hereby provide advance notice of our client's intention to make an application for full costs against the District Council. The framework for our reasons for making this application is set out below, however, we reserve the right to refer to other reasons, including the District Council's conduct in negotiating the Section 106 Agreement, at the Inquiry:

1. The Secretary of State's advice is that Councils should not "...prevent or delay development which should clearly be permitted having regard to the development plan, national policy statements and other material considerations". The Council have acted contrary to this advice at every turn. No point has been too pedantic for them to take and no argument too absurd to advance. Two examples will suffice. The Council were sent a copy of the Environmental Statement a year before the Inquiry began. A couple of weeks before the Inquiry began the Council suddenly and shockingly announced the ES was not in conformity with the Directive. They kept insisting this was the position despite their clear agreement to the contrary (see Statement of Common Ground 1 para. 4.5), despite the confirmation from the Environment Agency that there would be no effect on any relevant nature conservation area and despite the fact that the parameters plan was sufficient to embrace all on site sewage discharge regardless of which direction it left the site.

2. The Council's dogged and irrational insistence on this point in the end lead to the Appellant's having to provide a proof of evidence from Mr Goodchild to deal with the matter. Eventually the Council changed their mind again and decided Mr Aspbury's (AA) note was an acceptable way of dealing with the matter. This invited the Inspector to consider whether he wished to request further environmental information pursuant to Reg. 13. The Inspector concluded (rightly in our submission) that no such information was required.
3. The whole issue reduced to a damp squib but it reflects an attitude on the part of the Council; petty, obstructive and wholly lacking in judgment.
4. The second example of the unreasonable conduct of the Council goes to the heart of the entire case. They have persistently and consistently insisted through the evidence of Mr Durman that the partial redevelopment scheme is a practical and realistic option which the Secretary of State should seriously consider even though they accept on their own evidence it creates a loss to the Appellant company of more than £2m.
5. This is the type of unreasonable conduct on the part of a public authority that the modern planning system abjures. It completely disregards the commercial reality of the Appellant's position and it posits a suggestion of a private commercial entity voluntarily bringing forward a scheme involving substantial financial investment in circumstances where everyone agrees the scheme will definitely make a significant loss.
6. The suggestion provides the foundation of the Council's case at this Inquiry. It is what has caused the Inquiry to be held. If the Council had adopted a realistic position it could, should and would have recognised that the partial development scheme is impossible to achieve because it is not viable. The Council would then have recognised that the appeal proposal was the only realistic way of bringing forward a redevelopment of the appeal site and it would then not have been necessary to hold this Inquiry at all.

To update you on the Section 106 with the District Council, following a full team meeting to discuss the Section 106 document, I have been advised that there are no circumstances in which a viability assessment carried out based on EUV figures could result in a commercially viable development. The draft Section 106 Unilateral Undertaking, submitted to the inspector on Friday 19 April 2010, provided two options for carrying out a viability assessment and included the EUV calculation as "Option B". Having discussed this issue in detail, we believe that it would be potentially misleading to include this option in the Section 106 as it could suggest that a decision based on this assessment could be viable. As this is definitely not the case, we are intending to delete reference to Option B from the Section 106, so as to avoid any confusion or ambiguity.

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For the avoidance of doubt, subject to all the remaining issues being agreed, we are still willing to enter into a bilateral agreement with the District Council and feel that this position should not in any way prejudice the Council's case.

In light of these amendments, we will now provide a final version of the Section 106 with the District Council for the Inspector at the Inquiry.

I confirm that a copy of this letter has been copied to the District Council.

Yours sincerely

Amanda Beresford
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for Addleshaw Goddard LLP

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Costs Report to the Secretary of State for Communities and Local Government

The Planning Inspectorate
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by **P E Dobsen MA (Oxon) DipTP**
MRTPI FRGS

an Inspector appointed by the Secretary of State
for Communities and Local Government

Date: 16 July 2010

Town and Country Planning Act 1990

Section 78 Inquiry into an appeal against the failure of Huntingdonshire District
Council to determine an application for outline planning permission

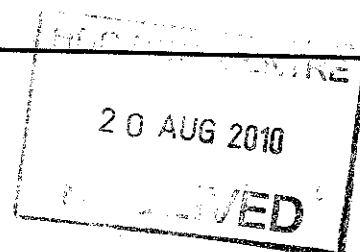
FORMER RAF UPWOOD, UPWOOD ROAD/RAMSEY ROAD, BURY/RAMSEY, CAMBS.
PE26 2XN

Application and appeal by Strawson Developments Ltd./Omnivale Ltd.

Inquiry opened on 26 January 2010; closed on 30 April 2010

Former RAF Upwood, Upwood Road/Ramsey Road, Bury/Ramsey, Cambs. PE26 2XN

File Ref(s): APP/H0520/A/09/2112959



File Ref: APP/H0520/A/09/2112959
Former RAF Upwood, Upwood Road/Ramsey Road, Bury/Ramsey, Cambs.
PE26 2XN

- The application is made under the Town and Country Planning Act 1990, sections 78 and 320, and the Local Government Act 1972, section 250(5).
- The application is made by Huntingdonshire District Council for a partial award of costs against Strawson Developments Ltd./Omnivale Ltd.
- The inquiry was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an outline application for the demolition and clearance of redundant buildings; removal of redundant fixed infrastructure; reclamation and remediation of land; and redevelopment for mixed uses, including housing (650 units), employment (10 ha.), a neighbourhood centre and landscaped open space.

Summary of Recommendation: The application for a partial award of costs be refused.

The Submissions for Huntingdonshire District Council

1. The submissions are in the Appendix to this report. I give the gist of them in my conclusions below.

The Response by Strawson Developments Ltd./Omnivale Ltd.

2. The response is in the Appendix to this report, and comprises 2 documents. I give the gist of it in my conclusions below.

Conclusions

3. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The application is for a partial award of costs, limited to the Council's costs in responding to the viability evidence put to the Inquiry by the appellants. The grounds for making the application are in the Appendix.
5. In brief summary, the Council relies upon the advice in paragraphs A12 and B4 of the costs Circular. The claim arises from the manner in which the appellants have pursued their case on viability. From the outset, the Council has emphasised to the appellants the importance of proving a case on viability. A crucial development was the HCS examination Inspector's finding that the core strategy was sound, contrary to the case put to him by the appellants at that examination. But only very limited information on viability was submitted with the outline planning application. Paragraph B4 of the costs Circular warns applicants against "introducing fresh and substantial evidence at a late stage (of an Inquiry) necessitating an adjournment, or extra expense for preparatory work that would not have arisen if the evidence had been submitted on time".
6. The evolution of the appellants' viability case is described in Mr. Durman's evidence for the Council. As that demonstrates: i) insufficient information was supplied with the planning application to enable the Council to make an informed judgement on viability; ii) awaiting the HCS Inspector's report was the only

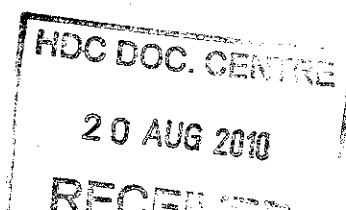
reasonable course of action for the Council, but iii) the appeal against non-determination, immediately following the Inspector's report, had the effect of depriving the Council of the opportunity to request further information on viability in the light of the Inspector's findings; iv) in the period from the submission of the appeal to the date for the submission of inquiry proofs, the appellants' position on viability changed repeatedly; and v) since the submission of proofs (on 22/12/09) the appellants' position has continued to change, necessitating repeated and costly expense on the part of the Council in responding to it. The application for costs therefore relates to work carried out in assessing and responding to the many iterations of the viability and cost/value appraisal made by the appellants.

7. For their part, the appellants vigorously resist the costs application, as detailed in the Appendix. In general, they have supplied the Council throughout with all the necessary information to determine the application; acted in accordance with the Inquiry timetables for the submission of statements of case and evidence; and made available a team of experts to discuss the issues arising before the Inquiry. The effect of all this is that the Inquiry has been shorter, more focused and less expensive than would otherwise have been the case.
8. On the Council's specific points: i) it is emphatically not accepted that insufficient information was supplied with the planning application – in any event the Council, despite ample opportunities to do so, made no request for further information; ii) and iii) the Council's preference to delay determining the application until after receipt of the HCS Inspector's report in no way prevented discussions on viability from taking place – if anything, the Council was unreasonable in delaying any substantive discussions on viability for several months; iv) as Dr. Lee's evidence shows, it is quite wrong to claim that the appellants' position on viability changed repeatedly. But the discussions between him and Mr. Durman inevitably resulted in changes to certain viability variables; v) the same applies to discussions between witnesses during the Inquiry. Changes in variables are inevitable when 2 parties are seeking to reach agreement on as many matters as possible, in line with best practice on appeals. The appellants' essential case has been consistent throughout – namely that a scheme in line with the HCS is unviable, and that the appeal scheme is viable.
9. I have considered both parties' arguments on the costs application, as summarised above. In general, and without specifically addressing every point made, I agree with and support the appellants' submissions. In my opinion, they acted reasonably throughout the conduct of their case on viability, and made a sustained and constructive effort to resolve their differences with the Council. That they were unable ultimately to do so does not indicate any unreasonableness on their part, within the meaning of the costs Circular.
10. In my opinion, an award of costs against the appellants is not therefore justified.

Recommendation

11. I recommend that the application for a partial award of costs be refused.

Paul Dobsen



APPENDIX

**APPEAL BY OMNIVALE LTD AND STRAWSON DEVELOPMENTS LTD
IN RESPECT OF A SITE AT THE FORMER RAF UPWOOD, RAMSEY,
CAMBRIDGESHIRE**

PINS Ref APP/H0520/A/09/2112959/NWF

**APPLICATION BY HUNTINGDONSHIRE DISTRICT COUNCIL FOR A PARTIAL
AWARD OF COSTS AGAINST THE APPELLANTS**

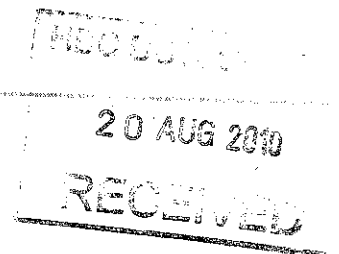
1. The application is made with reference to paragraph A12 of Circular 03/2009: Costs Awards in Appeals and Other Planning Proceedings. This provides that costs will normally be awarded where the party against whom the award is sought has acted unreasonably and the unreasonable behaviour has caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
2. In this case the claim arises from the manner in which the Appellants have pursued their case on the issue of viability.
3. The opening statement in the Appellants' Costs Application about the purpose of such awards being to impose a discipline in the handling of planning applications applies with equal vigour to the conduct of applicants and appellants.
4. The Appellants acquired the appeal site in 1999 at a time when it did not have the benefit of planning permission for development. It was proposed to be allocated for development in the Draft Huntingdonshire Local Plan Alteration but that was ultimately withdrawn in the light of the Local Plan Inquiry Inspector's findings on sustainability. It has never been allocated in any adopted development plan.
5. The Appellants have continued to advocate the allocation of the site through the development plan process. In that context meetings were held with the Authority in 2007 at a time when the Authority was consulting stakeholders in relation to the forthcoming Core Strategy. These have been documented in Appendix 1 to Anthony Aspbury's Proof and in Appendix 2 to Michael Monk's Rebuttal Proof.
6. The Head of Planning Services wrote to Mrs Bisson (on behalf of the Appellants) on 8th August 2007 stating that, in order to comply with established and emerging policies, the scale of any new housing in the Ramsey area would have to be relatively small and ideally linked with new employment development. He went on to stress the importance of preparing economic appraisals of the viability of developments at various modest scales of housing. Thus, from the outset, the scale of development and the importance of proving a case on viability have been

- emphasised by the Authority. There has been ongoing engagement with the Appellants but not agreement in this respect.
7. The application, which is the subject of this appeal, was submitted on 13th March 2009, prior to the Examination in Public of the Council's Core Strategy. This took place at the end of March 2009. The submitted Core Strategy proposed a lower level of development at the appeal site than that promoted in the application and parallel representations had been made by the applicants upon the Core Strategy. The Authority's Officers had reasonably advised the Appellants in pre-application discussions that, as this was a large site (and application) it would be impacted upon by policy matters which were also being considered through the Core Strategy Examination process, the application would not be determined until the Inspector's report on the Core Strategy had been received. This was received on 29th July 2009.
 8. The Core Strategy Inspector's Report (CD 6.18) found the Core Strategy to be sound. It did not accept the Appellants' submission that the Core Strategy was unsound nor their representations for a greater scale of development in the Ramsey Spatial Planning Area, notwithstanding their specific assertions about viability and deliverability of the Core Strategy scheme. The Appellants have not sought to challenge the adoption of the Core Strategy as being unsound for any reason, including that it was contrary to the guidance set out in PPS 12.
 9. Further, despite the above context, only very limited information on viability (and only related to the Core Strategy scale of development) was submitted with the original planning application. This comprised a single page of financial appraisal, without any evidence base or explanation, for an indicative scheme entitled 'Partial Redevelopment Option' (CD 1.8) which was apparently based on the emerging Core Strategy proposal for 150 houses and 2 hectares of employment land. The appraisal identified revenue of £4,876,000 and costs of £13,876,901 giving a loss of £9,000,901. Critically, however, no financial appraisal of the development proposed in the application was provided in this or any other application document. Nor were any details provided on the scale of development between the application and the proposed Core Strategy quantum of development. The only references to viability were unsupported statements that "nothing less than the scale of development in the application was viable".
 10. In this appeal viability has a twofold significance:
 - (1) It is relevant in considering whether the scale of development proposed in the Huntingdonshire Core Strategy adopted in 2009 is appropriate and sound.
 - (2) It informs the amount of affordable housing that the appeal scheme can deliver.

These matters are addressed in putative reasons for refusal 4 and 5.

11. Paragraph B4 of Circular 03/2009 sets out examples of unreasonable behaviour. These include

"Introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not have arisen if the evidence had been submitted on time."



12. At the time the appeal was submitted the Authority had insufficient information on development costs and revenue associated with the proposals in the application to make an informed judgement on the amount of affordable housing that would be viable.

13. Subsequent events during the stages of the appeal are documented in the evidence of Mr Durman (22nd December 2009). As such, the basis for the Authority's costs claim is as follows:

- (1) Insufficient information had been supplied with the planning application to enable the Authority to make an informed judgement on viability.
- (2) Awaiting the Core Strategy Inspector's Report was the only reasonable course of action for the Authority in the circumstances and one which the Appellants did not object to.
- (3) The appeal against non-determination, immediately following the publication of the Inspector's Report, had the effect of depriving the Authority of the opportunity to request further information on viability in the light of the Examination Inspector's findings.
- (4) Advice in paragraph 1.4.2 of the Planning Inspectorate's Procedural Guidance: Planning appeals and called-in planning applications (PINS 01/2009) is that

"the appeal system should not be used as a bargaining tactic but as the last resort with the Appellants being ready to proceed with the appeal once it is made."

In the period from the submission of the appeal to the date for the submission of proofs of evidence the Appellants' position on viability changed repeatedly (LPA, Durman, Proof, Paras. 4.2 - 4.18).

- (5) Since the submission of proofs on 22nd December 2009, the Appellants' position has continued to change, necessitating repeated and costly expense on the behalf of the Authority.
14. The Authority's application for costs therefore relates to work carried out in assessing and responding to the many iterations of the viability and development cost/value appraisal made by the Appellants, which was a result of the Appellants "introducing fresh and substantial evidence at a late stage necessitating ...extra expense for preparatory work that would not have arisen if the evidence had been submitted on time."
15. By reason of the above, the Authority seeks a partial award of costs against the Appellants.

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30th April 2010

Counsel on behalf of Huntingdonshire District Council

**FORMER RAF UPWOOD – APPEAL BY STRAWSONS HOLDINGS
APPELLANT’S RESPONSE TO THE COUNCIL’S COSTS APPLICATION**

I. PRELIMINARY OBSERVATIONS

1. The Head of Planning Services at Huntingdon District Council has written to PINS setting out the grounds of a costs application against the Appellant. The Council’s claim for costs quotes circular 03/2009, which states that costs will be awarded where a party has acted unreasonably. The Appellants have not acted unreasonably, on the contrary they have at all times attempted to engage in constructive dialogue to ensure that the Application and the Appeal are progressed as expeditiously as possible and in accordance with best practice.
2. The Council refer to paragraph B of the costs circular. However at no time did the Appellant introduce fresh and substantial evidence necessitating an adjournment or extra expense. In terms of the viability evidence, the only substantial evidence produced at a late stage was a large number of documents contained in a buff folder produced by Mr Durman during the second week of the Inquiry, which the Appellant had to analyse and respond to at very short notice. The Council attempted to introduce a new proof of evidence from Mr Whittingham after the Inquiry had been running for several weeks, but this was rightly excluded by the Inspector as being wholly inimical to a fair Inquiry process. These examples are significant because they illustrate that the Council have been guilty of conduct about which they now complain.
3. The Appellants do not dispute the fact that the Council had indicated they would not determine the Application until the Inspector’s report on the Core Strategy had been received, however, the Appellant’s clearly expressed view was that the Application should be processed to the extent required to render it capable of determination. This would be in accordance with good practice and, of course, the significant application fee of £78,685 warranted sufficient officer time for the Council to perform its statutory duty to consider and determine the Application.

II. RESPONSE

4. The grounds set out in the HDC letter are as follows:

"Insufficient information was supplied with the planning application."

"Awaiting the Core Strategy Inspector’s Report was the only reasonable course of action for the authority in the circumstances and one which the appellants did not object to. Approval of the application would have been inconsistent with the emerging and advanced Core Strategy proposals and refusal would have been premature had the proposals for the Ramsey SPA been found to be unsound. The appeal against non-determination deprived the authority of the opportunity to request further information on viability."

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"In the period from the submission of the appeal to the date for the submission of proofs of evidence the appellants' position on viability changed repeatedly (LPA, Durman, Proof, Paras. 4.2 - 4.18)."

"Since the submission of proofs on 22nd December 2009 the appellants' position has continued to change, necessitating repeated and costly expense on the behalf of the local authority."

5. The letter states that *"the authority's application for costs therefore relates to work carried out in assessing and responding to the many iterations of the viability and development cost/value appraisal made by the appellants"*.

Ground for costs (a)

6. Paragraph 1 of PPS12 states that "pre-application discussions are critically important and benefit both developers and local planning authorities in ensuring a better mutual understanding of objectives and the constraints that exist. In the course of such discussions, proposals can be adapted to ensure that they better reflect community aspirations and that applications are complete and address all the relevant issues. Local planning authorities and applicants should take a positive attitude towards early engagement in pre-application discussions, so that formal applications can be dealt with in a more certain and speedy manner and that quality of decisions can be better assured."
7. The Appellant does not agree that insufficient information was supplied to the Council. A substantial volume of information was submitted, as follows:
- Application site plan;
 - Masterplan;
 - Masterplan context;
 - Proposed phasing plan;
 - Masterplan for partial redevelopment of the site;
 - Design and Access Statement;
 - Town Planning Statement;
 - Development Appraisal for partial redevelopment;
 - Provisional list of planning conditions;
 - Draft Section 106 agreement;
 - Landscape and visual assessment;
 - Ecological assessment;
 - Protected species assessment;
 - Transport assessment;
 - Draft travel plan;
 - Existing and proposed public rights of way;
 - Statement of Community Engagement;
 - Affordable Housing Statement;
 - Sustainability Statement;
 - PPS23 Statement;
 - Crime reduction/prevention statement;
 - Scale site survey;

- Tree survey; and
 - Arboricultural strategy.
8. No requests for further information were made by the Council. This matter could have been addressed in discussion with the Appellant without prejudice to the outcome of the Inspector's deliberations on the Core Strategy. However, it appears that the Council simply chose to ignore the issue entirely.
 9. In this context, it should be noted that in the Application letter dated 11 March 2009, the Appellant stated "*should you require any further information and clarification, or to discuss any aspect of the Application at greater length, please do not hesitate to contact the writer [Mr Aspbury]*". No response was received to this letter on this point.
 10. Even though a meeting was arranged to discuss the Application further on 21 August 2009 and to specifically determine what further information, if any, was required, no information was requested. Indeed, at that meeting, the Head of Planning commented that officers would recommend that the Committee refuse the Application in January 2010, thereby effectively cutting off any dialogue on the Application.
 11. The Appellant had submitted draft documentation in the form of a draft Planning Obligation and draft planning conditions. With reference to these, the 11 March 2009 letter stated "*these documents are not intended to be exhaustive, nor do they represent the Applicant's final and inflexible position, or an attempt to pre-empt a proper discussion on these matters between the Applicant, your Council and other stakeholders during the life of the Application. Rather, they are submitted as a means of highlighting the issues seen to require regulation in this way and to demonstrate the Applicant's willingness to submit to such regulation*". The Council did not respond by requesting further information and, despite repeated attempts by the Appellant's agents, would not discuss the Section 106 agreement until very late in the Appeal process.
 12. It is relevant to note that that even before the Application was submitted, the Appellant had detailed dialogue with the Council regarding the development of the Site, including in relation to viability. For example, see Appendix 1 of Mr Aspbury's main proof, recording that during a meeting on 2 July 2007, information on viability of schemes of 150, 300 and 600 units with employment was provided. Therefore, the Council had ample opportunity to request further viability information or express concerns on the content of the information provided. Any response from the Council was taken into account in the information submitted with the Application. It was within the context of the appraisals previously submitted that only an appraisal of the 150 unit scheme was submitted with the Application, to demonstrate that a scheme in line with Core Strategy was unviable. The Appellant's agent had pre-application meetings with the Council on 18 February and 3 March 2009 and no information on viability/affordable housing was requested at these meetings. The 11

March 2009 letter stated that *"it has consistently been the position of the Applicant that the partial reclamation, remediation and redevelopment of the former RAF Upwood site;*

- *is not economically viable and that, as a matter of prudent and logical commercial practice, it would not, therefore, be implemented at all. (This is now demonstrated by the submitted development appraisal which shows that the fixed overheads [chiefly in respect of reclamation, remediation and provision of on-and-off site infrastructure], together with the variable overheads associated with this particular level of development, exceed development revenues by a significant margin)."*

13. Therefore, the Council had ample opportunity to request further information on viability/affordable housing, either during the lengthy pre-application discussions, or post-submission of the Application (six months elapsed before the Appeal was lodged). Indeed, the Council wrote to the Appellant's agents prior to registering the Application, raising a number of issues, but did not take this opportunity to request further information on viability. It *did* request an affordable housing statement, which was provided. In this statement, the Appellant again offered further information, if required, in the following terms at paragraph 2.12; *"the Applicant is prepared to submit a development appraisal demonstrating that the development as proposed will not support a higher rate of affordable housing."* The Council did not respond to this.

14. The Council's approach effectively also precluded the Appellant from pre-application discussions with the Housing Officer at HDC, as the Housing Officer would not discuss the Application in the light of the Planning Officer's position.

15. It is completely unreasonable for the Council to now suggest that they had insufficient information in these circumstances. The Council's own good practice note (Advice Note 6 *"Determining a Planning Application"*) encourages discussions with applicants to resolve as many issues as possible and that the validation stage is important in determining whether the Council have sufficient information to process the application.

16. Notwithstanding this, the sufficiency (or otherwise) of information submitted with the Planning Application is entirely irrelevant to costs associated with the Appeal. Any costs application must be limited to work carried out in relation to the Appeal, not the Application.

Ground for costs (b)

17. The Council's preference to delay determination of the Application until after the Inspector's report on the Core Strategy had been published did in no way prevent discussions on viability from taking place. The Application was validated on 24 April 2009 and the Appeal was not submitted until 18 September 2009; a sixth month period during which both parties could have had substantive discussions and made

progress on viability. Instead, the Council chose not to enter into any discussions on the viability material already submitted by the Appellant and did not request further information. The Council now claims that the submission of the Appeal "deprived" them of the opportunity to request further information. The Appellant is a commercial body and needs to progress matters expeditiously. The Council was unreasonable in delaying any substantive discussions on viability for a six month period, during which the Appellant's costs continued to accrue and the Council were in receipt of an application fee in the sum of £78,685 as stated above.

18. Notwithstanding this, ground (b) is – like ground (a) – entirely erroneous. Paragraph A12 of Circular 03/2009 states that costs will only be awarded where "*it should not have been necessary for the matter to be determined by the Secretary of State or appointed Inspector*". Given the weight of evidence on viability considered at the Inquiry, it is absolutely clear that the issues require determination by the Secretary of State. Given the divergence of views on points of principle between the Council and the Appellant, it is very unlikely that discussions would have led to a resolution. Indeed, in its letter, the Council appears to have ignored extensive discussions on viability, dating back more than two years prior to the submission of the Application. It is surprising, therefore, that the Council now claims that this matter could have been resolved, had they only been given an opportunity by the Appellant to do so.
19. The Council's claim must relate to costs associated with the Appeal; the ability to request information from the Appellant prior to the Appeal being submitted has not resulted in additional costs in preparing for the Appeal. Furthermore, given that the Council claims that they have incurred costs "*assessing and responding to the many iterations of the viability and development cost/value appraisal*", their ground (b) confirms that the first iteration of the appraisal can be discounted from any claim – by their own admission, the Council had not undertaken any work on assessing it, pending the outcome of the Inspector's report on the Core Strategy. Furthermore, Mr Durman's proof (paragraph 2.6) states that "*I address the financial model for the development that has been put forward by Anthony Lee of BNP Paribas Real Estate*". The Council did not, therefore, incur any costs of appraising material submitted before the Appeal was submitted. Indeed, Mr Durman was not appointed to act for the Council until 20 October 2010.

Ground for costs (c)

20. Ground for costs (c) relates to the period between submission of the Appeal and submission of proofs of evidence. The Council claims that "*the Appellant's position on viability changed repeatedly*", pointing to Mr Durman's proof (paras 4.2 to 4.18).
21. Dr Lee has responded to these paragraphs of Mr Durman's proof in his rebuttal proof (paragraphs 2.7 to 2.10). Mr Durman claims that there were a number of iterations of the appraisal, which he described as

"changes in the Appellant's position". This claim is entirely erroneous. Following their respective appointments by the Council and the Appellant, Dr Lee and Mr Durman entered into a constructive dialogue and engagement on viability, following best practice for appeals. Had Dr Lee and Mr Durman prepared their evidence in the absence of this dialogue, much Inquiry time would have been spent dealing with matters that they were able to resolve. This dialogue inevitably resulted in changes in certain variables, as both parties sought to close the differences between them. Indeed, the degree of success of this dialogue can be measured by the long list of agreed matters at paragraph 5.34 of Mr Durman's proof and Statement of Common Ground 5A.

22. Despite the constructive dialogue between Dr Lee and Mr Durman, much of the substantive work on viability was hampered by the Council's failure to appoint Capita Symonds to advise on infrastructure costs. This issue is addressed in paragraph 2.7 of Dr Lee's proof. The Council did not appoint Capita Symonds until 11 December 2009, just seven working days prior to the deadline for exchange of proofs. This failure on the Council's part delayed final agreement on the viability appraisal. Other Council witnesses incorrectly claimed that delays in consideration of viability resulted from the late provision of information by the Appellant (see for example para 4.5 of Mr Mastrandrea's proof). Delays in final agreement on viability were caused entirely by the delays in the Council's appointment of Capita Symonds and not late provision of information by the Appellant.

23. In paragraphs 4.5 to 4.12 of his proof, Mr Durman suggests that there were four iterations of the appraisal. It is indeed correct that there were amendments to the appraisal, but this is entirely to be expected when two parties are in a process of dialogue and seeking to close areas of difference. However, what Mr Durman describes as the "first iteration" was an appraisal of the Core Strategy scheme, submitted with the Planning Application. Not only was this appraisal not related to the Appeal scheme, it was also seven months old and thus out of date by the time Mr Durman and Dr Lee commenced their discussions. The "second iteration" of the appraisal resulted from the (late) provision of a revised affordable housing mix by the Council. The "third iteration" resulted directly from a change in the calculation of profit that was requested by Mr Durman (not the Appellant). The Council's claim that the dialogue between Dr Lee and Mr Durman and changes to the appraisal resulting from that dialogue resulted in additional costs is therefore entirely erroneous. Changes to the model itself and the inputs to it were necessary to secure agreement on a substantial proportion of points relating to viability, thus saving inquiry time. It is clear that Mr Durman's evidence presents these discussions with an unfair interpretation that could later be used by the Council in a costs application.

Ground for costs (d)

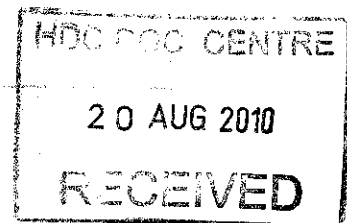
24. The Council's ground for costs (d) claims that since proofs were submitted, *"the appellant's position has continued to change,*

necessitating repeated and costly expense on behalf of the local authority".

25. Following the adjournment of the Inquiry due to the ill-health of Mr Goatley, Mr Crean QC suggested that both parties seek to use the time available to explore the prospects for further agreement on outstanding issues. This opportunity was taken up by the parties, with a series of meetings held between the respective witnesses, including Dr Lee and Mr Durman. Mr Whittingham also entered into a series of discussions with Mr Fruin of BWB (the Appellant's cost and infrastructure consultant) on matters of difference regarding infrastructure costs. These discussions resulted in further matters of agreement between the parties, which necessitated updating the viability appraisals. These updates are clearly a consequence of further discussions and agreement and not (as claimed by the Council in their letter) a further change in the Appellant's position.

Conclusion

26. The advice in Circular 03/2009 is intended to introduce discipline in the conduct of inquiries in order to make them shorter, more focused and less expensive. The Appellants have supplied the Council with all the necessary information to determine the Application; acted in accordance with all Inquiry timetables for the submission of statements of case and evidence; and make available a large team of experts to discuss matters with the Council's representatives before the Appeal. The effect of this is that the Inquiry generally (and the viability evidence in particular) has been shorter, more focused and less expensive than would otherwise have been the case. This application for costs effectively seeks to punish the Appellants for adhering to the Secretary of State's advice in each regard.



**FORMER RAF UPWOOD – APPEAL BY STRAWSON DEVELOPMENTS LTD
THE COUNCIL’S APPLICATION FOR A PARTIAL AWARD OF COSTS**

ADDENDUM NOTE BY STRAWSON DEVELOPMENTS LTD

1. The Council’s Application for costs largely repeats the claims and assertions in the letter from the Head of Planning dated 29 April 2010. The Application is made with reference to paragraph A12 of Circular 03/2009 and relates to the manner in which the Appellants have pursued their case in relation to viability.
2. Paragraph 3 of the Application rightly points out that the purpose of awards of costs is to impose discipline in the handling of planning appeals. However, this applies as much to the behaviour of local planning authorities as to appellants. Paragraph 2 of the Appellant’s response points out the Council is guilty of the conduct about which they now complain. In contrast, the Appellant has acted reasonably at all times, seeking to engage in constructive dialogue to ensure that the Application and the Appeal were progressed as expeditiously as possible.
3. Paragraph 6 of the Council’s Application refers to a letter from the Head of Planning to Mrs Bisson (on behalf of the Appellant) dated 8 August 2007. The letter refers to the need to prepare economic appraisals of viability of schemes of various sizes. Such appraisals were indeed carried out by the Appellant, as noted in paragraph 12 of the Appellant’s response. The Council’s Application admits that *“there has been ongoing engagement with the Appellants but not agreement in this respect”*. This admission is welcome, as the evidence of Mr Durman appears to have ignored the existence of these discussions between the Council and the Appellant. Indeed, during cross-examination, Mr Durman admitted that he was unaware of the discussions on viability between the Council and the Appellant, despite reference to the background material at Mr Aspbury’s Appendix 1, referred to in Dr Lee’s rebuttal proof of evidence (para 2.4).
4. Paragraph 8 of the Council’s Application asserts that the Appellant has not sought to challenge the adopted Core Strategy as being unsound. This is because the Application is consistent with the allocation for the site, which proposes a development of *at least* 150 housing units and 2 hectares of employment. The Council is treating this quantum of development as a control total, which of course it is not.
5. Paragraph 9 of the Council’s Application refers to limited information being provided. This matter is dealt with at length in the Appellant’s response. The Appellant offered to provide detailed information on viability, both in the 11 March 2009 letter submitted with the Application and in the Affordable Housing Statement. At no time during the six months between validation of the Application and the submission of the Appeal did the Council take up the Appellant’s offer.

If the Council regarded this information as critical to the determination of the Application, it should not have been validated.

6. Paragraph 10 of the Council's Application rightly points out the significance of viability to the scale of the development and the amount of affordable housing that any scheme can provide. Given the importance that the Council now claims for viability, it is doubly surprising that they showed absolutely no interest in this matter either when assessing the validity of the application, or during the long six month period between validation and the submission of the Appeal. Indeed, paragraph 10 of the Appellant's response shows that any dialogue on viability that might have taken place was effectively cut off by the Head of Planning's indication that officers would recommend refusal.
7. Paragraph 12 of the Council's Application claims that the Council had insufficient information to determine the Application. Despite this assertion, and the Appellant's offers to provide further information on viability (see paragraph 9, 10, 11, and 13 of Appellant's response), the Head of Planning had already decided that he would be recommending refusal, *in the absence of information on viability that the Council now claim was vital to determining the application*. The Head of Planning could no doubt explain the inconsistency between his stance at the time and the claim the Council is now pursuing.
8. The substance of the Council's Application, as set out in paragraph 13 is addressed in the Appellant's response.
9. Paragraph 13, bullet (4) quotes PINS 01/2009 which states that Appellants should be "ready to proceed with the appeal once it is made". The Council then goes on to make its often repeated assertion that the Appellant's position on viability changed "repeatedly". This matter is addressed in paragraphs 20 to 23 of the Appellant's response. Further, the Council appears to confuse the commencement of any dialogue between Mr Durman and Dr Lee with the date of submission of evidence (the PINS guidelines referred to are relevant to the submission of evidence, not any dialogue between parties beforehand). Changes in variables are inevitable when two parties are seeking to reach agreement on as many matters as possible, in line with best practice for appeals. The Appellant's case has been consistent throughout; namely that a scheme in line with the Core Strategy is unviable; and that the Appeal scheme is viable.

