



Appeal Decision

Site visit made on 28 August 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/Y0435/W/19/3228003

Hollington Wood, Emberton Road, Milton Keynes, Buckinghamshire MK46 5JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Special Ops HQ against the decision of Milton Keynes Council.
 - The application Ref 17/03386/FUL, dated 20 December 2017, was refused by notice dated 9 November 2018.
 - The development proposed is the use of the site for public Airsoft events scheduled for once every two weeks throughout the year (with a break in winter of variable length according to weather conditions). Occasional private bookings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the application the Council has adopted a new development plan, the Plan:MK 2016-2031 (Plan:MK), in March 2019. The Plan:MK has superseded the Milton Keynes Local Plan 2001-2011 (2005). I have therefore determined the appeal in accordance with the policies contained within Plan:MK.

Main Issues

3. The main issues are the effect of the development on biodiversity and the ecology of the wood and whether the development has a safe and suitable access.

Reasons

Biodiversity/ecology

4. The planning application and appeal documentation provides little evidence of the effect of the development on ecology and biodiversity with the main evidence being provided in the Woodland Management Plan – 3 year update report (dated May 2018).
5. From that report it is noted that protected species such as bats and badgers are found in the wood. However very little detail has been provided as to the potential effects of the development on these protected species to the extent it is not possible for me to safely conclude that no harm would result. Whilst I acknowledge that the wood has previously been used for shooting, this does

not in itself justify an alternative form of activity which may have an adverse impact on such protected species.

6. Turning to other aspects of biodiversity and ecological matters, from what I observed at my site visit the structures in the wood are temporary in nature and could easily be removed. I also saw that an area of the wood had been cordoned off as there were nesting birds which to my mind demonstrates that there is a sensible approach to the overall management of the areas used for airsoft activities.
7. Given that the airsoft events only use biodegradable pellets, and that from all the evidence before me only operates at weekends, I consider that there would not be any significant harm to biodiversity or the ecology of the wood which could not be controlled by a suitably worded planning condition relating to the management of the wood. Such a condition could also deliver the expected net gain in biodiversity in accordance with Policies NE1 and NE3 of Plan:MK.
8. That said, in the absence of sufficient information to be able to conclude that there would not be an adverse impact on protected species the appeal must fail.
9. For the above reasons the proposal does not include sufficient information to safely conclude that the development would not have an adverse impact on protected species and would therefore be contrary to Policy NE2 of Plan:MK which amongst other matters seeks to ensure that it is demonstrated that any development proposal would not result in a negative impact upon protected species and habitats. It would also be at odds with the natural environment aims of the National Planning Policy Framework (the Framework) in this respect.

Access

10. The appeal site is accessed along a driveway from the A509 which is not in the control of the Appellant. However, from the evidence before me a right of access exists. The A509 is a busy single carriageway road which is evidenced by the traffic count data provided by the Council. However, from looking at the traffic count data there is significantly less traffic along the road at a weekend, particularly on a Sunday morning.
11. The Appellant sets out that there would be unlikely to be more than 30 vehicles associated with the airsoft events and that these can be accommodated within the existing car park. Whilst the Council question whether this figure is an underestimate, this is on the basis of anecdotal evidence and as such I give this very limited weight.
12. At the point of access to the A509, the road is straight with good forward visibility. I also observed that there is good visibility for vehicles exiting the access onto the A509.
13. To my mind, given the likely times when traffic would be coming and going from such events, I am of the view that the amount of traffic generation is highly unlikely to result in any significant increase in highway danger.
14. I have also considered the geometry of the access itself and the slightly unusual arrangement with a split layout with a central pier. However, I am

conscious that this is an existing arrangement and the proposed development would not add a significant amount of additional traffic along the driveway.

15. Turning to the access road itself, this climbs from the A509 and after the initial section is only wide enough for one vehicle on the tarmac surface. However, there is also a grass area either side of the driveway.
16. Whilst it would be preferable to have a passing place along the access road, I am conscious that in the event of two vehicles needing to pass in this section it would be possible for this to occur by utilising the grassed areas.
17. Finally, the wood itself has a car park associated with it which is formed of crushed stone. From what I observed this would be sufficient to accommodate the level of parking required with the use.
18. For the above reasons the proposal would not give rise to any significant impacts on the highway network or on highway safety and would accord with Policy CT2 of Plan:MK which amongst other matters seeks to ensure that a safe and suitable access is provided, that there is not an adverse impact on highway safety and that there is not inappropriate traffic generation and that on-site layouts are compatible for all potential users including car parking. It would also be in accordance with the transportation aims of the Framework.

Other matters

19. I have also had regard to the concerns raised in the representations including matters relating to the car park, the proximity of the activity to the public rights of way, the amenity and character of the area, additional noise and waste from the operation.
20. Whilst all of these factors are material planning considerations, none of these amount to a compelling additional reason why planning permission should be withheld.

Conclusion

21. Taking all matters into consideration, including the letters in support of the appeal development, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR