Ministry of Housing, Communities & Local Government

Our ref: APP/X0415/W/25/3362050
Your ref: PL/22/2898/OA

Jane Kistler
Deloitte LLP
1 Bew Street Square
London
EC4A 3HQ

29 June 2026

Sent by email only
[redacted]

Dear Jane Kistler

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY EPILEPSY SOCIETY
EPILEPSY SOCIETY, CHESHAM LANE, CHALFONT ST PETER, BUCKINGHAMSHIRE, SL9 0RJ
APPLICATION REF: PL/22/2898/OA

This decision was made by Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Lesley Coffey BA(Hons) BTP, MRTPI who held a public local inquiry, which opened on 30 September 2025 and sat for eight days, into your client's appeal against the failure of Buckinghamshire Council to determine your client's application for outline planning permission for the development of up to 975 homes including affordable housing (Use Class C3), up to 75 care accommodation beds (Use Class C2), new primary school provision, local retail and employment provision (Use Class E), reprovision of sport pitches, landscaping, car parking provision and associated works, in accordance with application Ref. PL/22/2898/OA, dated 11 August 2022.

2. On 29 August 2025, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be approved and planning permission granted.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with her recommendation. He has decided to allow the appeal and grant planning permission. The Inspector's Report (IR) is

Ministry of Housing Communities & Local Government Email: PCC@communities.gov.uk
Emma Hopkins, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR1.8-IR1.9, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. The government undertook public consultation "Reducing the prevalence of private estate management arrangements" for 12 weeks from 18 December 2025 to 12 March 2026. The Secretary of State is satisfied that this public consultation does not affect his decision or necessitate additional referrals back to parties.

7. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 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 consists of the Chiltern Core Strategy (2011) and the Saved Policies of the Chiltern District Local Plan (1997, incorporating alterations adopted in 2001), Buckinghamshire Minerals and Waste Local Plan (July 2019) and the Chalfont St Peter Neighbourhood Plan (2016). The Secretary of State considers that relevant development plan policies include those set out at IR5.3-IR5.10.

10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance).

Emerging plan

11. The emerging plan comprises a draft Local Plan for Buckinghamshire which was subject to public consultation from 17 September to 29 October 2025. The parties and the Inspector agree that the emerging plan carries no weight in this appeal given its early

stage of preparation (IR5.11). The Inspector also records at IR5.9 that the Chalfont St Peter Neighbourhood Plan is undergoing review.

12. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The emerging Local Plan for Buckinghamshire and the review of the Chalfont St Peter Neighbourhood Plan are both at an early stage of preparation. In accordance with paragraph 49 of the Framework, the Secretary of State agrees with the Inspector and parties that no weight should be given to the emerging Local Plan for Buckinghamshire, and considers that no weight should be given to the review of the Chalfont St Peter Neighbourhood Plan.

Main issues

13. The Secretary of State agrees with the Inspector that the main issues to be addressed are those set out at IR14.1.

Character and appearance, including the setting of the Chiltern National Landscape (NL)

14. For the reasons given at IR14.2-14.41 and IR14.250 the Secretary of State agrees that the Public Rights of Way (PRoW) network within the site provides a number of tranquil walking experiences despite its proximity to the settlement edge. He agrees that the development would diminish the perception of remoteness and replace the rural character experienced by walkers (IR14.10). He further agrees that overall, the proposal would give rise to major adverse effects for PRoW users traversing the site and its immediate edges and moderate adverse effects for several contextual viewpoints including from rural approaches to Chalfont Common (IR14.29).

15. The Secretary of State further agrees that the proposed development would not harm the NL (IR14.32), and would have a minor adverse effect on the setting of the NL (IR14.33). In terms of the impact on Colne Valley Regional Park (CVRP), he agrees that the proposal would not harm views from the CVRP (IR14.39) and will not alter or curtail the recreation and activity resources and cultural activities within the CVRP (IR14.40).

16. Overall, the Secretary of State agrees that there would be harm to the character of the landscape and visual harm, especially to those using the public footpaths that cross the site. He agrees that this harm attracts substantial weight (IR14.250). He agrees that such harm is also contrary to Local Plan Policy GB30 which requires development to be well integrated into its rural setting and so conserve the scenic beauty and amenity of the landscape in the locality of the development (IR14.41). He considers that the minor adverse effect on the setting of the NL carries moderate weight against the proposal. He considers that the proposal is contrary to Core Strategy Policy CS22 part b which requires that all proposals must protect the setting of the NL (stated as Area of Outstanding Natural Beauty in the Core Strategy) and safeguard views into and out of the area (IR14.41).

17. The Secretary of State agrees with the Inspector's conclusion at IR14.41 that the proposal would protect the Chilterns NL in accordance with Core Strategy Policy CS1 and paragraph 189 of the Framework. In determining the appeal, the Secretary of State notes his duty under section 85(A1) of the Countryside and Rights of Way Act 2000 to seek to further the purpose of conserving and enhancing the natural beauty of the

Chilterns NL. He agrees that there would be a minor adverse effect on the setting of the NL (IR 14.33) and that there would be harm to the character of the landscape and visual harm (IR14.250). However, he also takes account of the largely enclosed character of the site (IR14.4) and the fact that the proposal includes significant areas of green infrastructure (IR 14.9) which mitigate the overall interference of the proposed development with the statutory purpose of the NL. The Secretary of State is satisfied, by reference to his findings at paragraph 55 below on the benefits of the proposal, that the grant of planning permission can nevertheless be justified. Unlike the Inspector (IR 15.1), the Secretary of State considers that despite the age of Core Strategy Policy CS22 and Local Plan Policy GB30 and the changed housing context, as these policies are primarily concerned with character and appearance of the area and are broadly in line with the Framework, they carry full weight.

Green Belt

18. For the reasons given at IR14.42-14.45 and IR14.249 the Secretary of State agrees that the proposal represents inappropriate development in the Green Belt (IR14.42). He further agrees that in addition to the definitional harm to the Green Belt the proposed development would have a substantial adverse impact on openness and visual amenity, and would conflict with purposes (a) and (c) and to a lesser extent (b) of the Green Belt (IR14.44). He agrees that such harm is contrary to Local Plan Policy GB2[1] and paragraphs 153 and 154 of the Framework, and that this harm attracts substantial weight (IR14.45). The Secretary of State agrees with the Inspector at IR14.42 that despite its age Local Plan Policy GB2 has a similar presumption against inappropriate development to the Framework. However, he considers that Local Plan Policy GB2 is not entirely consistent with the Framework as it does not include reference to all types of development which may be considered not to be inappropriate or the Very Special Circumstances (VSCs) which could justify otherwise inappropriate development in the Green Belt. For these reasons, and for the reasons given by the Inspector at IR15.1, the Secretary of State considers that this policy is out of date.

19. Paragraphs 153-154 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSCs. VSCs will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations. The Secretary of State's conclusion on whether VSCs exist is set out at paragraph 59 below.

Sustainable location

20. The Secretary of State agrees with the Inspector at IR 5.3-5.7 that Core Strategy Policies CS1, CS2, CS4 and CS25 are relevant policies for the determination of the appeal. He considers that the proposed development is in conflict with policies CS1 and CS2 which direct development to sustainable locations within existing built up areas including Chalfont St Peters and to existing allocations. However, he considers that these policies are out of date due to the Council's housing land supply position. He agrees with the Inspector at IR14.46 that despite the age of the Core Strategy the approach set out in Core Strategy Policy CS4 is broadly consistent with Chapter 9 of the Framework. For the reasons given at IR14.46-14.67 and IR14.256 the Secretary of State agrees that the proposal is in a location that could be made sustainable and that the sustainability

[1] The proposal is in conflict with this policy as it is inappropriate development in the Green Belt. The policy states that planning permission will be refused for inappropriate development in the Green Belt and does not make provision for Very Special Circumstances to be identified.

improvements would also benefit the wider community. He agrees that the proposed development would comply with Core Strategy Policy CS25 and with paragraphs 115, 117 and 118 of the Framework (IR14.67). He further considers that the proposal would comply with Core Strategy Policy CS4. He agrees that the proposal would deliver significant improvements to public transport and sustainability, and this attracts significant weight (IR14.256).

Highway network

21. For the reasons given at IR14.68-14.78 and IR14.261 the Secretary of State agrees that subject to the mitigation measures proposed, the proposed development would be acceptable in terms of its impact on the highway network, and that the modelling relied upon by the appellant and the Highway Authority is robust. He further agrees that the proposal would comply with Core Strategy Policy CS25, and it would also comply with the paragraph 116 of the Framework (IR14.78).

Flooding

22. For the reasons given at IR14.79-14.111 and IR14.261 the Secretary of State agrees that the flood risk is relatively minor and localised within the site, that it could be managed as part of the detailed design process, and that future occupants would be safe for the lifetime of the development (IR14.90). He further agrees that the evidence submitted to the Inquiry demonstrates that the surface water flood risk could be managed to ensure that the development would be safe for its lifetime, and that as a consequence, a sequential test is not necessary (IR14.92).

23. The Secretary of State has taken into account SENSE's concerns about foul water flooding. He agrees with the Inspector's conclusions on this matter (IR14.103-14.110). Overall, he agrees that the site would be safe from flooding and would not increase flood risk elsewhere, and as such it would comply with paragraphs 181 and 182 of the Framework (IR14.111).

Business case

24. For the reasons given at IR14.112-14.114 the Secretary of State agrees that the appellant's financial circumstances are a material consideration in this case (IR14.114). He also agrees that the benefits that may flow from the proposed enhancement and expansion are also dependant on the proceeds from the sale of the land (IR14.114).

25. For the reasons given at IR14.115-14.118 the Secretary of State agrees that the Epilepsy Society provides lifechanging and potentially lifesaving services to sufferers of uncontrolled epilepsy and their families, as well as care for those with the most complex epilepsy (IR14.115), and agrees that there is a need for additional research into epilepsy (IR14.117). He agrees that there is no evidence to suggest that other charities that work with epilepsy fulfilled a similar role to the Society. He further agrees there is no reason to doubt the evidence provided by Professor Sisodiya on the importance of the co-location of services (from bench to bed) in order to maximise the benefits, and has taken into account the undisputed evidence regarding the contribution that the work at the Society has made to national and international research in relation to epilepsy (IR14.118). He has

taken into account the Epilepsy Society's unique ability to ensure that the land is developed in a way which provides these benefits.

26. For the reasons given at IR14.119-14.134 the Secretary of State agrees that despite the extent of the Society's net assets, in the absence of any additional income there does, however, appear to be a likelihood that it would be insolvent by 2029/30 or soon thereafter (IR14.134).

27. The Secretary of State notes that the aim of the Business Plan is to provide a long term more sustainable strategy for the future of the Epilepsy Society. He further notes that whilst it is driven to some extent by the risk of insolvency, that is not its only purpose, and there is strong support for the business plan from University College London Hospital (UCLH) and University College London (UCL) (IR14.135). He notes that the proceeds from the sale would deliver two main elements as set out at IR14.136. The first is the provision of new medical service equipment including the Magnetic Resonance Imaging (MRI) and Therapeutic Drug Monitoring (TDM) equipment and refurbishment of the space to accommodate them, to facilitate the improved diagnostic analysis of patients in the UCLH managed hospital at the Chalfont Centre. The second is the construction of the Research Building and the commissioning and seed-funding eight teams of researchers to be housed in a new research building, to facilitate both clinical research into epilepsy but also for exploratory 'wet lab' research.

28. For the reasons given at IR14.135-14.153 the Secretary of State agrees that the business plan would deliver clear benefits in terms of the sustainability of the Society and the care of those suffering from uncontrolled epilepsy, as well as those resident on the site. He further agrees that it would also deliver significant economic benefits in terms of helping to move people off of benefits, as well as savings to the NHS and benefits to the wider economy (IR14.153).

29. The Secretary of State has considered the alternative options summarised at IR14.154-14.165 and agrees with the Inspector at IR14.165 that he is required to assess the scheme before him which consists of the entire appeal site.

30. For the reasons given at paragraphs 24-29 above and IR14.166-IR14.169 and IR14.257 the Secretary of State agrees that while there is no clear need for the full extent of the expansion proposal in order to maintain the solvency of the Society, it would provide considerable benefits in terms of the long-term sustainability of the Society, and more importantly, benefits for those suffering from uncontrolled epilepsy. He agrees that these benefits in turn would provide savings to the NHS and the wider public sector, as well as economic benefits, and would contribute to the Buckinghamshire's Growth Strategy. For these reasons the Secretary of State agrees that the benefits arising from the appellant's business case carry substantial weight (IR14.169).

31. The Secretary of State has considered the benefits outlined at IR14.241-14.242 and IR14.258. He considers that the economic consequences of the insolvency of the Epilepsy Society and the creation of additional jobs due to the new employees and researchers required to deliver its strategy, plus operational jobs associated with new R&D are taken into account as part of the benefits arising from the appellant's business case at paragraph 30 above. Therefore, the matters at IR14.241-14.242 and IR14.258 do not carry separate weight.

32. For the reasons given at IR14.258-14.259, the Secretary of State agrees that whilst the site does not include the Society's operational land, there is a clear link between the

proposal and the public benefits it would provide (IR14.259). He considers that the business case of the Epilepsy Society is contingent on the development proposed.

Housing

33. For the reasons given at IR14.170-14.177 and IR14.255-14.256 the Secretary of State agrees with the Inspector that the appeal proposal would make a significant contribution towards the housing land supply for Chiltern and South Bucks Council area and that the delivery of 975 dwellings, including custom build/self build plots, would be a substantial benefit of the proposal (IR14.174). He agrees that the delivery of market housing carries substantial weight, particularly given the woeful housing land supply and the fact that there is no mechanism in place to address this in the short term (IR14.255). He further agrees that the provision of self-build/ custom build plots carries moderate weight (IR14.255).

34. The Secretary of State has taken into account that the proposal would provide 50% of the dwellings as affordable homes and that this would provide up to 487 dwellings for those currently on the waiting list. He agrees that this would comply with Core Strategy Policy CS8 (IR14.176) and considers that this would be a benefit of the proposal that carries substantial weight. The Secretary of State's conclusion on the Golden Rules is at paragraph 45 below.

35. The Secretary of State agrees with the Inspector that there is a clearly identified need for older persons housing to meet the needs of the aging population, and gives this benefit substantial weight (IR14.177).

Football pitches

36. For the reasons given at IR14.178-14.183 the Secretary of State agrees that the proposal would provide enhanced sports pitch provision and the arrangement of the pitches either side of the access road would not give rise to a safety concern (IR14.182). He notes that the precise layout of the proposed sports pitches is a detail for reserved matters stage (IR14.180). He does not share Sport England's concern that two of the pitches would be part of the school and maintenance could be a burden on the football club as the section 106 provides for the maintenance of the primary school pitches (IR14.183), through the Primary School Sports Pitches Specification. The Secretary of State agrees that the proposed development would comply with Core Strategy Policy CS28 and paragraph 88 of the Framework (IR14.183). He considers planning obligations at paragraph 47-53 below.

Heritage

37. For the reasons given at IR14.184-14.224 and IR14.252 the Secretary of State agrees that the close proximity of the proposed development and associated access to the listed assets, most notably Greene House (Grade II listed), will detract from the historical significance of the assets, both with respect of the group value and individual significance (IR14.210). He agrees there would be less than substantial harm near the lower end of the scale to the heritage assets within the Epilepsy Centre operational site (Passmore Edwards House, Milton House, Pearman House and Greene House; all Grade II Listed), due to the loss of the extended rural setting of the Epilepsy Society colony estate. He further agrees that there would also be less than substantial harm at the very lowest end of the scale to setting of Ashwell's Farmhouse and Ashwell's Barn (both Grade II Listed) (IR14.252). In line with paragraph 212 of the Framework, he gives the harm to the

significance of these designated heritage assets, through harm to their setting, great weight.

38. The Secretary of State has had regard to the Inspector's analysis of the six non-designated heritage assets within 500m of the site at IR14.225-14.239 and IR14.254. He agrees that it is uncertain whether Skippings Farm and Debenham House would be demolished, and notes there is also limited current evidence as to their significance (IR14.254). The Secretary of State notes that a condition requiring the assessment of Skippings Farm and Debenham House is included in the recommended conditions (condition 29). However, as the retention of Skippings Farm and Debenham House is not secured, the Secretary of State considers the potential for their loss carries limited weight against the proposal. He agrees with the Inspector's assessment of the other non-designated heritage assets within a 500m radius of the site.

39. In line with the heritage balance set out at paragraph 215 of the Framework, the Secretary of State has considered whether the identified less than substantial harm to the individual and group significance of Passmore Edwards House, Milton House, Pearman House and Greene House, and the less than substantial harm to the significance of Ashwell's Farmhouse and Ashwell's Barn, is outweighed by the public benefits of the proposal. His conclusion is set out at paragraph 58 below.

Economic benefits

40. For the reasons given at IR14.240 and IR14.257 the Secretary of State considers that during construction the proposed development would deliver significant economic benefits of 1,380 full time equivalent job years over a period of 8.7 years. There would also be additional employment through the 2 form entry primary school and the proposed commercial and retail space and associated local spend. He considers that these benefits carry significant weight. Benefits arising from the business case are addressed at paragraph 30 above.

Best and most versatile (BMV) agricultural land

41. For the reasons given at IR14.243 and IR14.251 the Secretary of State agrees with the parties that given the limited area of BMV, whilst the proposals would be contrary to paragraph 187b of the Framework, there is only limited harm (IR14.243), which carries minimal weight (IR14.251).

Other matters

42. Like the Inspector, the Secretary of State has had regard to the 2005 decision. He agrees that the circumstances of this appeal, including the public transport and other sustainability improvements are such that the proposed development is not comparable with the 2005 scheme and agrees the previous decision carries limited weight (IR14.244).

43. For the reasons given at IR14.245-14.248, the Secretary of State agrees with the Inspector's conclusions on air quality and noise, minerals and waste, HS2 and climate and energy.

44. The proposed development would provide 10-21% BNG (IR14.260). The Secretary of State notes that due to the date of the original application the BNG is not mandatory, and agrees with the Inspector that even the lower figure of 10% BNG would be a significant benefit of the proposal, and considers this carries moderate weight. He further agrees that the provision of public open space and play areas attracts moderate weight, and

considers that increased pitch provision and the provision of a pavilion carries limited weight in favour of the proposal (IR14.260).

45. The Secretary of State has assessed the proposals against the Golden Rules set out in paragraph 156 of the Framework. For the reasons given at paragraph 34 above, he agrees that the proposal would comply with paragraph 156(a). He considers that in the light of the financial contributions to the Community Centre, healthcare, education and public transport (IR13.6), the provision of land for a new primary school and the provision of primary school community sports pitches (IR13.12), and his findings on public transport and sustainability benefits at paragraph 20 above, the proposal meets the requirements of paragraph 156(b). He further considers that the provision of open space land as detailed in IR13.37-13.38 meets the requirements of paragraph 156(c) to provide new, or improvements to existing, green spaces that are accessible to the public. The Secretary of State also considers that the on site landscape proposals described at IR14.9 contribute positively to the local landscape setting of the development as required by paragraph 159. Overall, the Secretary of State considers therefore that the proposed development complies with the Golden Rules, and in accordance with paragraph 158 of the Framework, he gives this compliance significant weight.

Planning conditions

46. The Secretary of State has had regard to the Inspector's analysis at IR12.1-12.12, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

47. The Secretary of State has had careful regard to the Inspector's analysis at IR13.1-13.47, the planning obligation dated 28 October 2025, paragraph 58 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended.

48. The Secretary of State has carefully considered the drafting of Schedule 15 in relation to management and maintenance and the Inspector's reasoning at IR13.14-13.15, IR13.36-IR13.38 and IR13.40-13.44. He considers that securing the ongoing management and maintenance of open space and sports pitches and pavilion is necessary in order to make the development acceptable in planning terms and is directly related to the development.

49. The Secretary of State notes that if transferred to a management company, these facilities would be funded by rent charges or service charges (IR13.42).The Inspector considers that as the public would have unrestricted access to the open space land, it would not be reasonable or fairly related in scale for future residents to fund it for the lifetime of the development. She considers a similar situation arises with the sports pitches and pavilion (IR13.142). In the circumstances of this case, taking into account the fact that due to proximity, these facilities are likely to be used primarily by the residents of the proposed development, overall the Secretary of State considers that the provisions of schedule 15 in relation to open space land, sports pitches and the pavilion are fairly and reasonably related in scale and kind to the development. He considers that these

provisions are compliant with the CIL tests and therefore disagrees with the Inspector's amendments to Schedule 15 at paragraph IR13.44.

50. The Secretary of State considers that the commuted sum payable to the Parish Council in the event that the open spaces and the sports pitches and pavilion are transferred to the Parish Council is not in this case appropriately characterised as an 'indirect charge' on residents (IR13.43). In any case, for the reasons given at paragraph 48 above, he considers that it is fairly and reasonably related in scale and kind to the development (IR13.43). The Secretary of State therefore considers that these provisions are compliant with the CIL tests and therefore disagrees with the Inspector's recommended amendments to schedules 7, 12, 13 at IR13.44, IR13.47 and IR16.1.

51. The Secretary of State has carefully considered the Inspector's conclusions at IR13.17-13.32. As set out at paragraph 29 above the Secretary of State gives the benefits arising from the appellant's business case substantial weight. These benefits include the delivery of MRI and TDM medical service equipment, refurbished buildings to accommodate them and a new research building (IR14.136). Obligations in Schedule 9 prioritise the R&D scheme and related expenditure by requiring that no more than 800 dwellings are completed until the Epilepsy Society has started the construction of the research building, purchased the MRI and TDM equipment, refurbished the necessary accommodation and commissioned 8 research groups. It also includes an option for the appellant to seek the Council's agreement to use the funds for purposes other than the Epilepsy Society's purpose, as defined. The Secretary of State considers that the benefits arising from the business case, and particularly the R&D development and linked proposals described above, are necessary to make the development acceptable, and that Schedule 9 is necessary to ensure that benefits associated with the land receipts, either the benefits specified in Schedule 9, or other commensurate benefits as agreed by the Council, are secured. Unlike the Inspector at IR13.32 and IR13.47, he therefore considers that Schedule 9 is necessary to make the development acceptable and would be CIL compliant. The Secretary of State therefore disagrees with the Inspector's recommended deletion of schedule 9 at IR16.1.

52. For the reasons given at IR13.1-13.16, IR13.33-13.39 and IR13.45-13.46 the Secretary of State considers that the remaining obligations are CIL compliant.

53. For the reasons given above the Secretary of State considers that the obligations comply with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework.

Planning balance and overall conclusion

54. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Core Strategy Policies CS1, CS2, and CS22 part b, and Local Plan Policies GB2 and GB30, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

55. As the Council cannot demonstrate a five year supply of housing land, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole, having particular regard to

key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

56. Weighing in favour of the proposal are the benefits arising from the appellant's business case, the provision of market housing, the provision of affordable housing and the provision of older persons housing which each carry substantial weight; improvements to public transport and sustainability, and compliance with the Golden Rules which carry significant weight; the provision of 10% BNG, the provision of self and custom build housing, and the provision of public open space and play areas which each carry moderate weight; and the increased pitch provision and the provision of a pavilion which carries limited weight.

57. Weighing against the proposal is the landscape and visual harm, and harm to the Green Belt which each carry substantial weight; the less than substantial harm to the significance of designated heritage assets which carries great weight; harm to the setting of the NL which carries moderate weight; the harm from the potential for loss of Skippings Farmhouse and Debenham House which carries limited weight; and harm from the loss of BMV agricultural land which carries minimal weight.

58. Taking into the account the public benefits of the proposal as identified in this decision letter, the Secretary of State agrees with the Inspector at IR14.253 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Passmore Edwards House, Milton House, Pearman House and Greene House, and Ashwell's Farmhouse and Ashwell's Barn. He considers that the balancing exercise under paragraph 215 of the Framework is therefore favourable to the proposal.

59. The Secretary of State has considered paragraph 153 of the Framework. He considers that the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations, and therefore considers that VSCs exist to justify this development in the Green Belt.

60. The Secretary of State considers that there are no protective policies which provide a strong reason for refusing the development proposed. He further considers that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The presumption in favour of sustainable development therefore applies.

61. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that despite the conflict with the development plan, the material considerations in this case indicate that permission should be granted.

62. The Secretary of State therefore concludes that the appeal should be allowed and planning permission granted.

Formal decision

63. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning

permission subject to the conditions set out in Annex B of this decision letter for outline planning application for the development of up to 975 homes including affordable housing (Use Class C3), up to 75 care accommodation beds (Use Class C2), new primary school provision, local retail and employment provision (Use Class E), reprovision of sport pitches, landscaping, car parking provision and associated works in accordance with application ref PL/22/2898/OA, dated 11 August 2022.

64. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

Right to challenge the decision

65. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

66. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

67. A copy of this letter has been sent to Buckinghamshire Council and SENSE, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Emma Hopkins

Decision officer

This decision was made by Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Julian Foster	28 September 2025

Annex B List of conditions

Reserved matters / Time limits

1. Details of access (excluding details submitted in full at Outline), appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase shall be submitted to and approved in writing by the local planning authority before any development in that phase begins and the development shall be carried out as approved.
2. Applications for the approval of the first reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of three years from the date of this outline planning permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Approved Plans

4. The development and applications for the approval of the reserved matters shall be in accordance with the following plans:

   Site Location Plan (CCE-ASA-XX-XX-DR-A-0100 P13)

   Masterplan Density and Heights Range Parameter Plan (CCE-ASA-XX-XX-DR-A-0203 P15)

   Masterplan Vehicular and Pedestrian Access Parameter Plan (CCE-ASA-XX-XX-DR-A-0201 P17)

   Masterplan Land Use Parameter Plan (CCE-ASA-XX-XX-DR-A-0200 P16)

   Site Demolition and Retention Plan (CCE-ASA-XX-XX-DR-A-0103 P12)

Phasing plan

5. Within 12 months of the date of this planning permission, a Phasing Plan should be submitted for approval in writing by the Local Planning Authority. The Phasing Plan should show the scale and phased sequence of build out including the relationship of dwellings to the delivery of infrastructure. The development shall be carried out in accordance with the agreed Phasing Plan.

Design Code

6. A Design Code covering the whole site shall be submitted with the first reserved matters application and be approved in writing by the Local Planning Authority. Thereafter, all reserved matters applications for each phase shall be in accordance with the approved Design Code.

Strategic Landscaping Plan

7. Prior to the submission of first reserved matters application a strategic landscaping plan for the entire site shall be submitted to and approved in writing by the Local Planning Authority. The strategic landscape plan should have consideration to the site-wide landscaping principles included within the Design and Access Statement and Illustrative Masterplan (CCE-ASA-XX-XX-DR-A-0206 P9).

Total quantum and/or use of development

8. The development to be constructed on the site shall not exceed:

   Up to 975 homes (Planning Use Class C3)

Up to 75 bed care home (Planning Use Class C2)

Land for a two-form entry Primary School (2,290 sq.m) (Planning Use Class F1a)

Up to 2000 sq.m of Research and Development Space (Planning Use Class E)

Up to 700 sq.m for a local retail centre (Planning Use Class E)

9. The care home hereby permitted shall be used for C2 purposes only and for no other purpose, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

10. The local centre hereby permitted shall not exceed a floorspace of 700sqm (Gross External Area) and shall only be used for purposes falling within use class E.

Pre-commencement conditions:

Levels

11. No development within the relevant phase (other than tree protection measures and site clearance) shall commence until drawings that identify the following have been submitted to and approved in writing by the Local Planning Authority:

    (a) Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).

    (b) The level of the road(s) at public highway access points to the site on Chesham Lane and Rickmansworth Lane (AOD).

    (c) The proposed levels on site following completion of the development (for each existing height a proposed height should be identified).

    (d) The location and type of any retaining structures needed to support ground level changes.

    (e) The Finished Floor Level for every building that is proposed.

    (f) Cross sections within the site taken up to the site boundaries. The information supplied should clearly identify if land levels are being raised or lowered.

    (g) In the case of residential development, sections showing the level of the proposed garden(s) and retaining structures.

    Thereafter the development within each phase shall be implemented in accordance with the approved details.

Tree Protection

12. No development within a phase shall commence until a detailed Arboricultural Impact Assessment, a full Arboricultural Method Statement and Tree Protection Plan for that phase have been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the retained trees within and around the site in relation to that phase. This statement shall include details of protection measures for the trees during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. The development within the relevant phase shall then be

carried out in accordance with the approved documents and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed.

Land Contamination

13. No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority:

    i. A site investigation to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

    ii. The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

    iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

    The scheme shall be implemented as approved.

CEMP (Biodiversity)

14. No development shall commence within each phase of the development (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the Local Planning Authority for that phase. The CEMP (Biodiversity) shall include the following:

    a. Risk assessment of potentially damaging construction activities;

    b. Identification of "biodiversity protection zones" including off-site receptors;

    c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

    d. Updated bat surveys where potential roosting features (PRFs) (those which are suitable for supporting multiple bats i.e. a maternity roost) have been identified at the time remedial measures are required to trees within the site.

    e. Updated bat and badger surveys with other surveys updated where relevant

    f. Amphibian and reptile mitigation

    g. The location and timing of sensitive works to avoid harm to biodiversity features;

    h. The times during construction when specialist ecologists need to be present on site to oversee works;

    i. Responsible persons and lines of communication;

j. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and

k. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Surface Water Drainage Scheme

15. No development shall commence on a phase until such time as a detailed surface water drainage scheme for the Site, including each, relevant phase, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

    i) Undated detailed hydraulic modelling to demonstrate that surface water overland flow routes can be adequately conveyed and safely managed through the detailed development site layout without detriment to third parties;

    ii) Additional Ground Investigation in the form of Infiltration rate testing in accordance with BRE Digest 365 (shallow infiltration) and BS5930/BS EN ISO 222282 (deeper infiltration) within the specific locations of proposed infiltration components;

    iii) Confirmation that infiltration based SuDS have been situated a minimum of 10m-5m away from any foundation or building, or as specified by a suitably qualified geotechnical engineer taking into account the requirements of the Building Regulations and CIRA 574 Engineering in Chalk (where applicable);

    iv) Subject to infiltration being unviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined within paragraph 080 of the Planning Practice Guidance;

    v) Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusions if necessary;

    vi) Demonstration that water quality, ecological and amenity benefits have been considered;

    vii) Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components. Confirmation must be provided that suitable pre-treatment measures required to minimise the risk of pollution to controlled groundwaters through the discharge of development run off to ground have been agreed with relevant water company (Affinity Water) and/or Environment Agency;

    viii) Full construction details of all SuDS and drainage components;

    ix) Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components;

    x) Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite

flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site; and

xi) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Construction Traffic Management Plan

16. No development shall commence within each phase of the development until a Construction Traffic Management Plan for that relevant phase which includes the following details has been submitted and approved in writing by the Local Planning Authority:

    a. Construction phasing of the development;

    b. Construction access;

    c. The proposed construction traffic routes to the site, to be identified on a plan;

    d. Proposed site security measures to remain in place during the construction of the site, to be identified on a plan;

    e. An estimate of the daily movement of the construction traffic, profiled for each construction phase, identifying the peak level of vehicle movements for each day including an agreed daily maximum for HGV movements;

    f. Management and timing of deliveries;

    g. A condition survey of the surrounding highway network;

    h. Vehicle parking for site operatives and visitors;

    i. Site compound;

    j. Storage of materials;

    k. Dust management plan - to include, but not necessarily be limited to, the measures described in Section 8.2 of the Institute Air Quality Management ‘Guidance on the assessment of dust from demolition and construction’ (mitigation for all sites);

    l. Precautions to prevent the deposit of mud and debris on the adjacent highway;

    m. Construction Traffic Management (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction) so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (08:00-09:00 hours) and PM Peak (16:30-18:00 hours) periods;

    n. The hours of construction work and deliveries;

    o. Details of wheel and chassis underside washing facilities;

    p. The mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;

    q. The storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);

    r. A Soil Management Plan;

s. The proposed maintenance and aftercare of the site setting out a strategy for revegetating the site as soon as practicable;

t. Contact details of personnel responsible for the construction works, and how these details will be communicated to the Chalfont St Peter Town Council and the local community;

u. On-going monitoring and assessment during construction to ensure environmental objectives are achieved; and

v. Details of stakeholder/public communications plan.

The development hereby permitted shall thereafter be carried out in accordance with the approved Construction Traffic Management Plan.

Construction Waste

17. No development shall commence within each phase until a detailed management plan for construction waste management arrangements and how the scheme will reduce construction waste during the building process in the form of site management, waste management and project design and planning for that relevant phase has been submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be implemented throughout the period of work on site.

Archaeology

18. No development shall commence on the relevant phase until an archaeological evaluation of the site shall have been undertaken in the form of trial trenching in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

    Where significant archaeological remains are confirmed, these will be preserved in situ, and no reserved matters applications shall be submitted until an appropriate methodology for their preservation in situ has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

    Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording, no reserved matters applications shall be submitted until the implementation of a programme of archaeological work has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Energy

19. No development shall commence on any relevant phase until an energy statement demonstrating how on-site renewable or low-carbon energy provision (including its distribution and full operational management systems) will be incorporated into the design and construction of the development within that phase, to provide at least 10% of the energy supply of the development secured from renewable or low-carbon energy sources, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The measures in the energy statement shall be implemented as approved prior to the first occupation of any relevant building or use.

Bat Mitigation Strategy

20. No development shall commence within a phase (including vegetation clearance) until a Bat Mitigation Strategy addressing the mitigation and compensation measures

relating to bats (in accordance with the Environmental Statement, Bat Survey Report and Bat Mitigation Technical Note by Greengage (Aug 2025)) for the relevant phase has been submitted and approved in writing by the Local Planning Authority.

The Bat Mitigation Strategy shall include:

1. Details of the avoidance, mitigation and compensation measures to ensure favourable conservation of the bats at the site including;

   a. The results of updated surveys (as necessary),

   b. The mitigation measures to be used during construction,

   c. Details of the provision of replacement roosting features which shall incorporate both inbuilt features and bat boxes on trees with one feature provided for every 2 dwellings.

2. Details of the wildlife corridor to provide continued landscape connectivity across the site both north to south and east to west for all species of bats including;

   a. Details of the native planting (species, sizes, and locations), to enhance the existing hedgerows,

   b. Details of the new compensatory link as shown within the Bat Mitigation Technical Note by Greengage (Aug 2025) to include a new (or translocated) native species rich hedgerow with trees within a 20m unlit vegetated buffer.

   c. Details of the long-term management and monitoring including remedial measures

Thereafter, the development shall be carried out in accordance with the approved details.

Landscape Ecological Management Plan (LEMP)

21. No development shall commence on any phase until a Landscape and Ecological Management Plan (LEMP) for that relevant phase has been submitted to and approved in writing by the local planning authority. The LEMP will be supported with updated ecological surveys where relevant. The content of the LEMP shall include the following.

    a. Description and evaluation of features to be managed;

    b. Ecological trends and constraints on site that might influence management;

    c. Aims and objectives of management which will be in accordance with the Biodiversity Net Gain (BNG) Report (Feb 2025, or as amended);

    d. Appropriate management options for achieving aims and objectives.

    e. Prescriptions for management actions.

    f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).

    g. Details of the body or organization responsible for implementation of the plan.

    h. Ongoing monitoring and remedial measures.

    The approved plan will be implemented in accordance with the approved details for a minimum of thirty years.

Habitat Management and Monitoring Plan (HMMP)

22. No development shall commence on any phase until a Habitat Management and Monitoring Plan (HMMP) for that relevant phase which details, in full, how the significant habitat creation and enhancement (the areas identified as a Community Nature Reserve, including the woodland) will be established, managed and monitored for no less than 30 years, has been submitted to and approved in writing by the Local Planning Authority. The HMMP will be in general accordance with the submitted draft BNG Report (Feb 2025) and will be supported by updated ecological surveys where relevant. The HMMP will include:

    a. Current soil conditions (to include N, P, K and Ph) of any areas designated for habitat creation where the soil status could impact the outcome;

    b. Details of capital works required to establish the habitat(s);

    c. Details of both species composition and abundance where planting is to occur;

    d. Specific management prescriptions for all habitats for a period of no less than 30 years;

    e. Assurances of achievability;

    f. Timetable of delivery for all habitats; and

    g. A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority;

    h. Details of the responsible organisation who will undertake the management and monitoring;

    i. Details of how the long-term management and monitoring will be funded.

    The development shall be undertaken and thereafter maintained in accordance with the approved HMMP.

Farmland Bird Compensation Scheme

23. No development shall commence until a Farmland Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The scheme shall provide details and locations of measures to compensate for the loss of farmland bird habitat on-site, e sufficient to compensate for the loss of 7 skylark territories and habitat for other specialist farmland birds from the development site.

    The development shall be implemented in accordance with the measures set out in the approved compensation scheme.

Sensitive Lighting Strategy

24. No development shall commence in each phase until a Sensitive Lighting Scheme for wildlife for that phase has been submitted to and approved in writing by the local planning authority. The scheme will ensure that the central woodland belt and other sensitive areas remain dark. The scheme shall:

    a. identify those areas/features on site that are particularly sensitive for nocturnal wildlife such as bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging, and

b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory, commuting or having access to their breeding sites and resting places.

All external lighting within that phase shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Highways

25. Prior to commencement of the development, the visibility splays onto Chesham Lane and Rickmansworth Lane shown on drawing references 103055-T-001, 103055-T-008 and 103055-T-003 shall be provided on both sides of the vehicle accesses and the area contained within the splays shall be kept free of any obstruction between 0.6 and 2.0 metres in height above the nearside channel level of the carriageway.

26. No development shall commence until a Movement Plan, to include key sustainable transport corridors providing details of pedestrian and cycle routes through the site, shall be submitted and approved in writing by the Planning Authority in consultation with the Highway Authority.

Mineral Recovery Plan

28. Prior to the commencement of the development hereby permitted, a Mineral Recovery Plan shall be prepared which will assess the areas of construction where minerals would be potentially recoverable, such as groundworks, SUDS and landscaping areas. The Mineral Recovery Plan should consider the extent to which any minerals available on site would meet the specifications required for construction of the development and record the tonnages of recovered usable minerals where possible. The Mineral Recovery Plan shall be submitted to, approved by the Local Planning Authority and adhered to for the duration of construction works on site.

Heritage Buildings

29. An assessment of Skippings Farmhouse and Debenham House shall be submitted with the relevant reserved matters application. The assessment shall set out their historic interest and contribution to the growth of the Epilepsy Society's operational estate and identify those buildings to be retained and reused, and those that are to be demolished. Thereafter, all reserved matters applications for the relevant phase shall be in accordance with the approved assessment and those buildings to be demolished to be approved in writing by the Local Planning Authority.

<u>Pre-occupancy or other stage conditions</u>:

Remediation Method Statement

30. Following completion of measures identified in the approved remediation scheme referred to in Condition 16 (if any) and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to and approved in writing by the Local Planning Authority. The approved monitoring and maintenance programme shall be implemented in accordance with the approved details.

Reporting of Unexpected Contamination

31. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Wastewater connection

32. Prior to first occupation of the development within a phase hereby permitted a foul water drainage scheme with details of the overall on-site strategy for foul water and a programme for any proposed connection into the public sewage network, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved scheme.

Highways

33. Prior to the occupation of the development hereby permitted, the new means of access from Chesham Lane and Rickmansworth Lane shall be sited and laid out in general accordance with the approved drawing references 103055-T-001 and 103055-T-003, including all associated pedestrian infrastructure, and constructed to the appropriate Buckinghamshire Council access standards.

34. Prior to occupation of the development hereby permitted, the existing access onto Chesham Lane shall be altered in general accordance with the approved drawing reference 103055-T-008, including all associated pedestrian infrastructure, and constructed to the appropriate Buckinghamshire Council access standards.

Noise

35. Prior to the installation of any mechanical services in any non-residential building, an assessment will be conducted in accordance with the provisions of BS4142:2104. The assessment will be carried out at the worst affected residential receptor(s) (or proposed receptor(s) if not yet constructed). Detail of the assessments and proposed mitigation will be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

.

Planning Inspectorate

Report to the Secretary of State

by LESLEY COFFEY BA(Hons) BTP, MRTPI

Inspector appointed by the Secretary of State

Date 2 March 2026

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY

EPILEPSY SOCIETY

EPILEPSY SOCIETY
CHESHAM LANE, CHALFONT ST PETER
BUCKINGHAMSHIRE SL9 0RJ

Inquiry opened on 30 September 2025. Site visit on 14 & 15 October 2025.

Epilepsy Society, Chesham Lane, Chalfont St Peter, Buckinghamshire SL9 0RJ

File Ref:APP/X0415/W/25/3362050

LIST OF ABBREVIATIONS

TERM	DEFINITION/DESCRIPTION
AI	Artificial Intelligence
ATE	Active Travel England
BAU	Business as Usual
BSTM	Buckinghamshire Strategic Transport Model
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
Bucks	Buckinghamshire
CIL	Community Infrastructure Levy
CVRP	Colne Valley Regional Park
DS3	Do Something 3
Framework	National Planning Practice Guidance
FY	Financial Year
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
FRA	Flood Risk Assessment
FTE	Full time Equivalent
FY	Financial Year
GLVIA	Guidelines for Landscape and Visual Assessment
GVA	Gross Value Added
HNA	Housing Needs Assessment
LCA	Landscape Character Area
I&E	Income & Expenditure
LLFA	Lead Local Flood Authority
LNHA	Local Needs Housing Assessment
LVIA	Landscape and Visual Impact Assessment
MRI	Magnetic Resonance Imaging
MWLP	Minerals and Waste Local Plan
NDHA	Non Designated Heritage Asset
NHS	National Health Service
NL	National Landscape
PDL	Previously Developed Land
POE	Proof of Evidence
PROW	Public Right of Way
R&D	Research and Development
SEND	Special Educational Needs and Disability
SoCG	Statement of Common Ground
SoS	Secretary of State
SSSI	Site of Special Scientific Interest
STM	Strategic Traffic Model

SuDS	Sustainable Urban Drainage System
TAG	Traffic Analysis Guidance
TDM	Therapeutic Drug Monitoring
TRICS	Trip Rate Information Computer System
UCLH	University College Hospital London
UCL	University College London
VP	Viewpoint
VSC	Very Special Circumstances
WWTW	Waste Water Treatment Works
2FE	2 Form Entry

TABLE OF CONTENTS

	List of abbreviations	
1	Procedural Matters	5
2	Site and Surrounding Area	7
3	Relevant Background and Planning History	11
4	The Proposal	12
5	Policy and Guidance	15
6	Agreed Matters	18
7	The Case for the Epilepsy Society	24
8	The Case for Buckinghamshire Council	47
9	The Case for SENSE4CSP	65
10	The Cases for Interested Parties appearing at the Inquiry	78
11	Written Representations	87
12	Planning Conditions	96
13	Planning Obligation	98
14	Inspector Conclusions	104
		105
15	Recommendation	145
	Annexes	
A	Appearances	147
B	Core Documents	149
C	Inquiry Documents	170
D	Schedule of recommended conditions	173

File Ref: APP/X0415/W/25/3362050
Epilepsy Society, Chesham Lane, Chalfont St Peter, Buckinghamshire SL9 0RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of Buckinghamshire Council to determine the application within the prescribed period.
- The appeal is made by the Epilepsy Society
- The application Ref PL/22/2898/OA was dated 11 August 2022.
- The development proposed is Outline planning application for the development of up to 975 homes including affordable housing (Use Class C3), up to 75 care accommodation beds (Use Class C2), new primary school provision, local retail and employment provision (Use Class E), reprovision of sport pitches, landscaping, car parking provision and associated works.

Summary of Recommendation: The appeal be approved and planning permission granted

1. PROCEDURAL MATTERS

1.1. The Secretary of State (SoS) recovered the appeal for determination by letter dated 29 August 2025. The reason for recovery is that the appeal 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, and proposals for significant development in the Green Belt.

1.2. This is an appeal against the failure of the Council to determine the application. The Council's putative reasons for refusal are set out at paragraph 1.2 of its Statement of Case.[1] At the Inquiry the Council confirmed that there was no report or minutes in relation to the application and that its consideration of the appeal was set out in its Statement of Case.

1.3. In summary the Council's putative reasons for refusal are:

- The proposed development would constitute inappropriate development in the Green Belt, would result in harm to the openness of the Green Belt in both spatial and visual terms, and would conflict with three of the five purposes of including land within the Green Belt. The harm to the Green Belt by reason of inappropriateness and the other harm identified, is not clearly outweighed by other material considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt.

- The proposed development would encroach upon the surrounding countryside to an extent that would result in major adverse impacts upon local landscape character and visual amenity.

[1] CD15.2

- The proposal would result in loss of agricultural land including 'best and most versatile' (BMV) land.
- The proposed development comprises an unacceptable flood risk as the application site comprises pockets of medium and high risk areas of surface water flooding and possible to groundwater flooding. A sequential test has not been undertaken and the proposals are therefore in conflict with Paragraph 173 to 175 of the Framework (2024).
- The proposed development is considered unacceptable on ecological grounds because of loss of hedgerow and insufficient mitigation for protected species. The proposal could therefore be harmful to biodiversity and protected species.
- Failure to secure required mitigation in relation to sustainable transport (including improvements to the pedestrian and cycle network); the delivery of affordable housing; the provision of plots for self-build-custom build homes; Community use buildings in local centre; Land and financial contribution for a 2 form entry primary school; Sports pitches and associated facilities provision; Biodiversity Net Gain; Required open space and management and maintenance of open space; financial contributions towards the expansion of Chalfont's Community College and towards increasing the size of Misbourne Surgery; and Employment & Training opportunities.

1.4. I held a Case Management Conference on 12 June 2025.

1.5. The Inquiry opened on 30 September and sat for 8 days. I carried out an accompanied site visit on 14 October, and a further unaccompanied visit on 15 October 2025.

1.6. A planning obligation dated 28 October 2025 was submitted following the close of the Inquiry.[2] This was discussed in draft at the Inquiry and the Council and the appellant made submissions on it. It makes provision for affordable housing, self-build and custom build plots, employment and training, biodiversity net gain (BNG), land for a primary school, Travel Plans, a local centre, highway works, sports pitches and a pavilion, open space, sustainable urban drainage system (SuDS), the management and maintenance of the site, a car club and mobility hub, The S106 agreement also ties the use of the land receipts from the development to the Epilepsy Society's proposed Research and Development scheme as well as making financial contributions towards the community centre, education, and public transport. I return to this matter below.

1.7. SENSE 4CPS (SENSE) participated as a Rule 6(6) party. Chalfont St Peter Parish Council confirmed in writing that it supported SENSE's Statement of Case and that it would be working with SENSE and would not therefore be represented as a separate Rule 6 party at the Inquiry. SENSE is a community representative group with over 1100 registered members. It was formed in 2004 to oppose inappropriate development in Chalfont St Peter.

[2] ID44

1.8. The appeal scheme qualifies as an Environmental Impact Assessment (EIA) development and therefore, an Environmental Statement (ES) was submitted with the planning application to assess the likely significant effects on a number of topic areas scoped into the report.

1.9. A request under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (EIA Regs) for further information in relation to BMV land was made on 10 June 2025. The information was submitted on 31 July 2025. The additional information provided in response to the Regulation 25 Requests did not result in a change to predicted likely significant environmental effects as reported in the ES submitted with the planning application.

1.10. A number of notes were submitted to the Inquiry. These included two notes from Mr James seeking to clarify matters within his evidence, a joint note from the Council and the appellant in relation the updated flooding position. A technical note from the appellant's flood consultants addressing matters raised in the roundtable session, and a note from Carousel buses. The parties were provided with an opportunity to comment on these notes and I have taken the notes and the responses to them into account in reaching my conclusions.[3]

1.11. There were also three notes attached to SENSE's closing submissions.[4] The appellant was content for them to be accepted. I have taken then into account in my conclusions, however the content was not tested at the Inquiry.

1.12. During the Inquiry the Council and the appellant submitted a note setting out their respective position in relation to flooding and the sequential test, including recent changes in PPG.[5]

1.13. In November 2025 the Environment Agency released updated flood mapping data (NaFRA2). The parties were invited to comment any implications this may have in respect of the appeal proposal. I have taken the comments received into account.

2. THE SITE AND SURROUNDINGS

2.1. The appeal site comprises approximately 78ha of land to the north of the National Epilepsy Society, in Chalfont St Peter. The Site predominately comprises open fields within the Metropolitan Green Belt.

2.2. The Site is situated approximately 0.3km east of the village edge of Chalfont St Giles, 3.3km south of Little Chalfont, and directly on the north-eastern edge of Chalfont St Peter. These villages together form a cluster known as the Chalfonts, lying between High Wycombe and Rickmansworth. Chalfont St Peter is one of the main settlements within the District.

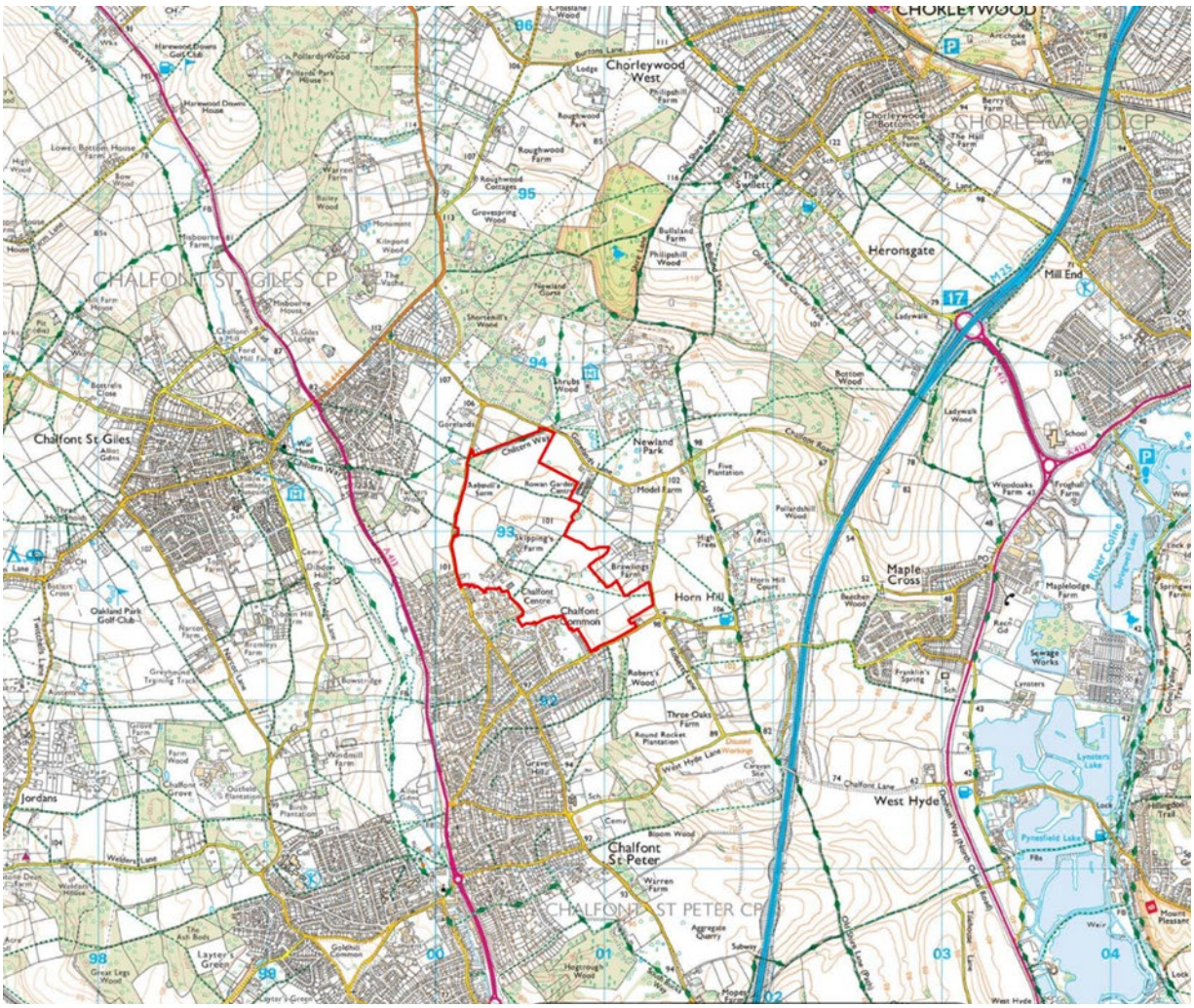
2.3. The appeal site is an irregularly shaped site bound by Chesham Lane to the west, Rickmansworth Lane and the existing Epilepsy Society buildings to the south. The northern boundary is formed by a treeline adjacent to the Chiltern

[3] ID27,ID34,ID23,ID33,ID30,ID35
[4] ID39
[5] ID23

Way. To the south of the Site lie two retirement living developments, Audley Chalfont Dene and Woodland Manor.

2.4. The wider Epilepsy Society estate extends to approximately 120ha. The appeal site includes undeveloped farmland, Skippings Farm, existing sports pitches used by Chalfont Saints Football Club, and some standalone residential and derelict buildings.

2.5. The Site is relatively flat and well-contained. By virtue of surrounding established trees and hedgerows, there are limited views into the Site from outside its boundary.



LOCATION OF APPEAL SITE (CD 1.29.1Page 1)

2.6. The Site is currently accessed from two entrance gates along Chesham Lane and a small access road serving houses owned by the Society on Tate Road.

2.7. There are four Public Rights of Way (PROW) that traverse the Site. Several PROW intersect the Site, east to west and north to south: CSP/12/1, CSP/12/2,

CSP/9/5, CSP/9/6, CSP/7/4, CSP/7/1, CSP/7/3 and Bridleway, CSP/8/1. These routes are shown on the PROW note.[6]

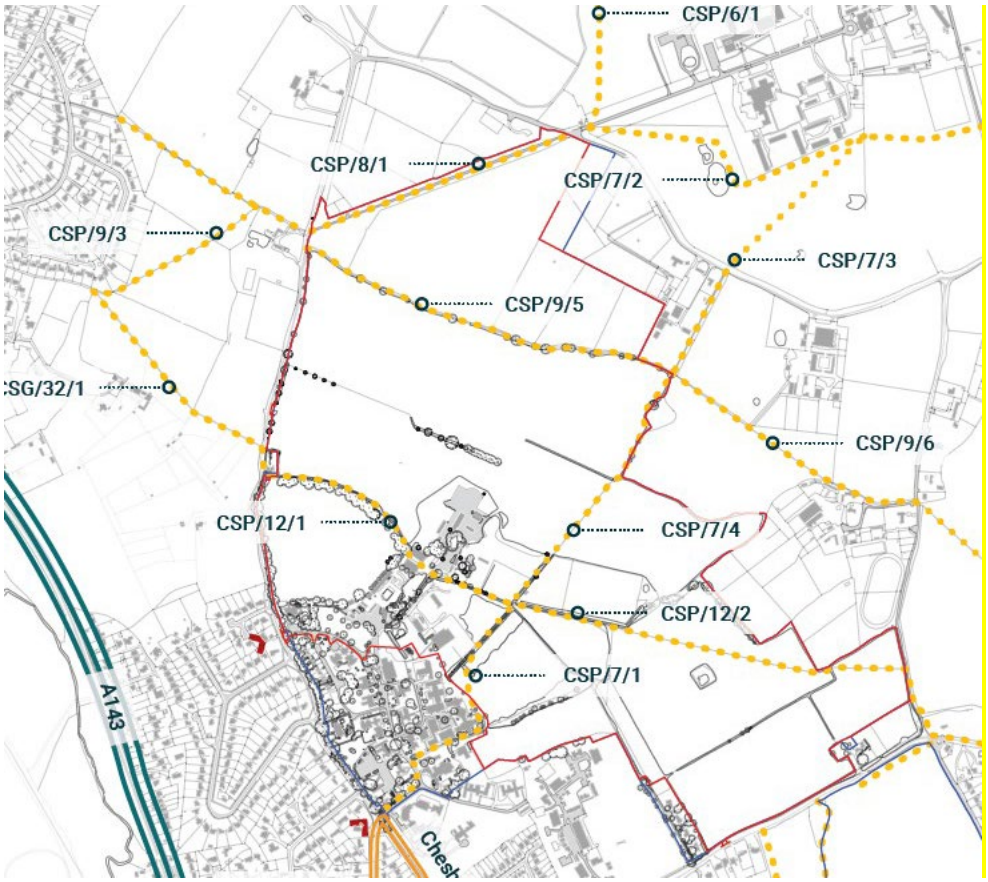


Figure 1 ID25

2.8. In terms of planning constraints, the Chilterns Area National Landscape sits to the immediate north of the appeal site boundary. The northern extent of the site falls within the Colne Valley Regional Park. The site also falls within the impact zone of Hodgemoor Wood Site of Special Scientific Interest (SSSI) and Mid Colne Valley SSSI. An Area of Archaeological Notification sits to the western boundary of the site.

2.9. The eastern side of the site falls within a BPA Pipeline Buffer zone. The HS2 Chilterns Tunnel safeguarded route also cuts under the appeal site, east to west.

2.10. Chesham Lane runs north to south alongside the western Site boundary, providing access to predominately residential areas of Chalfont St Peter, including Gravel Hill and Chalfont Common. Chesham Lane also includes routes which connect into A413 Amersham Road. In turn, the A413 Amersham Road provides a link between the A40 and M40 to the south and Aylesbury to the north.

2.11. Gerrards Cross Train Station is located approximately 4.4km south-west from the Site and provides Chiltern Railway services with direct links to London Marylebone, Oxford, and Aylesbury. Chalfont & Latimer is the next closest Train Station, which is approximately 4.6km from the Site. It provides services to

[6] ID25

London Marylebone and Aylesbury and London Underground connections on the Metropolitan Line.

2.12. The nearest bus stop is approximately 750m to the south of the Site, on Rickmansworth Lane. The stop is served by routes 106 and 107, providing a connection to Chalfont St Peter, Gerrards Cross Railway Station, Fulmer, Stoke Pokes, Wexham Park Hospital and Slough.

2.13. The Site is not within a conservation area and there are no designated built heritage assets within the site. The site is adjacent to the existing campus of the Epilepsy Society, which contains five designated heritage assets. These are:

- Gott's Monument at The National Society for Epilepsy – Grade II Listed
- Passmore Edwards House at the National Society for Epilepsy – Grade II Listed
- Pearman House at the National Society for Epilepsy – Grade II Listed
- Milton House at the National Society for Epilepsy – Grade II Listed
- Greene House at the National Society for Epilepsy- Grade II Listed

2.14. There are five additional designated heritage assets that are within 500m of the site, these include:

- Ashwells Farmhouse – Grade II Listed
- Ashwells Barn – Grade II Listed
- Horn Hill Cottage and Shire Cottage – Grade II Listed
- Russet Barn – Grade II Listed
- Newland Park College of Education – Grade II Listed

2.15. Within the Site, there are two non-designated heritage assets (NDHAs) and it has been indicated that they may be demolished.

- Debenham House at the National Society for Epilepsy - identified as a candidate (work in progress) asset on Local Heritage List.
- Skippings Farmhouse (excluding the outbuildings) at the National Society for Epilepsy – not identified on Local Heritage List

2.16. Within 500m of the site, there are agreed? to be 11 NDHAs:

- Horn Hill Village Hall – located to the east of the Site
- Newland Park, located immediately to the northwest of the Site and including:
- West Lodge (Lodge Cottage)
- Astleham Manor Cottage
- Caversham Public Convenience
- Northolt Barn

- Amersham Prefab
- Shrub's Wood – located to the north of the Site
- Milestone on A413 to the South of Chalfont St Giles – located to the east of the Site
- Morton House – located to the west of the site within National Society for Epilepsy (identified as a candidate (work in progress) asset on Local Heritage List).
- Gorelands – located to the northwest of the site (identified as Locally Listed asset on Local Heritage List).

2.17. The Site is located entirely within Flood Risk Zone 1, the lowest risk of flooding.

3. RELEVANT PLANNING HISTORY

3.1. A planning application was refused in September 2004 for the redevelopment of part of the Site to provide a replacement Epilepsy Centre including a 60 bed space nursing home, 80 residential homes and 12 rehabilitation bed spaces for people with epilepsy; 50 units of staff accommodation and associated facilities. The proposal also included the redevelopment of part of site for up to 218 private dwellings, one private nursing home and one private sheltered housing block. An appeal for the same development was dismissed in September 2005.[7]

3.2. The Inspector's Report concluded that the proposal was inappropriate development within the Green Belt. He also concluded that there was no identifiable need for additional housing in the area and that the Structure Plan targets for the District were being exceeded. He concluded that unplanned housing provision in the area would conflict with development plan policies. In addition, he found that the proposal would conflict with sustainability objectives due to the location of the appeal site and its inaccessibility.

3.3. The Inspector found that the traffic and highways issues, matters relating to the availability of community facilities and utility services to be neutral. The Inspector concluded that the appeal scheme would detract from the appearance and character of the land and from the openness of the Green Belt. He found that the historic interest of the Chalfont Centre, including the listed buildings, could be preserved by the proposed development. He concluded that the need for a modern facility for the care and treatment of people with the severest form of epilepsy and an appreciation of the national importance of the National Society for Epilepsy did not outweigh the harm to the GB by reason of inappropriateness and any other harm. I have not been provided with a copy of the SoS decision in relation to this appeal but have no reason to suppose that it would differ materially from the conclusions in the Inspector's Report.

3.4. In February 2019 planning permission was granted for the redevelopment of part of the National Society for Epilepsy to provide an extension to the existing

[7] CD 14.2

Audley Care Community providing 58 units of accommodation (Use Class C2) including the retention and refurbishment of Rydinghurst House.[8]

3.5. In October 2012 planning permission was granted for the redevelopment of part of site to provide Care Community (Use Class C2) comprising 82 units of accommodation and the widening of an existing vehicular access onto Rickmansworth Lane[9], laying of hardstanding, creation of ponds as part of a SUDS scheme with associated land level alterations, and landscaping.

4. THE PROPOSAL

4.1. The submitted Parameter Plans set out the maximum parameters within which the development would be constructed and delivered. They establish key principles for the development, including the way the height and density of the development would reduce from the mixed-use centre through to character areas on the edge of the development area.

4.2. The residential component of the proposed development includes a range of house types to accommodate smaller apartments and larger family houses. An indicative dwelling mix was provided within the planning application and would be finalised as part of the reserved matters. The proposal as submitted proposed a local policy-compliant provision of 40% affordable housing but following the publication of the 2024 Framework this was increased to 50% to accord with the Golden Rules at paragraph 156 of the Framework.

4.3. The proposed development includes the provision of land for a new 2-form entry primary school if required, and the reprovision and enhancement of sports pitches for both existing and new residents, including a new sports pavilion. Within the centre of the scheme, local retail and community facilities would be provided to support new residents with their day-to-day needs within walking distance of the new homes. Additionally, up to 2,000sqm of Research and Development (R&D)/commercial floorspace (Use Class E) is planned, which would provide R&D space for a range of users and the opportunity for a local work hub, supporting the growth in agile working and reducing the demand to commute.

4.4. Within the proposed development, there are a range of open spaces, including equipped play areas, amenity green spaces and parks and gardens which exceed the Chiltern and South Bucks Joint Open Space Study 2018 guidelines.[10]

[8] Application Ref: CH/2017/2258/FA
[9] Application Ref: CH/2011/2026/FA
[10] CD 7.8

ILLUSTRATIVE MASTERPLAN (CD 2.29)

4.5. All existing buildings within the red outline, with the exception of Skipping Farm House and Debenham Gate, would be demolished. These two buildings are NDHAs.

4.6. The outline planning application includes provision for 2,000 sqm of Use Class E R&D space. The principle of this development is not a matter of dispute between the parties.

4.7. The Masterplan Density & Heights Range Parameter Plan divides the development site into seven individual land parcels with an 'up to' range for

density and height.[11] The lowest densities within the site would be 20-35 dwellings per hectare and up to 2.5 storeys (9 metres), with the maximum being 51-65 dwellings per hectare and up to 3.5 storeys (12 metres). This plan also sets the zones for the proposed school (2 storeys and 8 metres in height) and associated pitches and pavilion (2 storeys and up to 8 metres in height).

4.8. The Vehicular and Pedestrian access Parameter Plan includes the vehicular access points on Chesham Lane and Rickmansworth Lane, as well as pedestrian access points linking with the existing PROW.[12] The Land Use Parameter Plan show the location of the various uses, including the replacement pitches, areas of woodland and open space.[13]

4.9. In accordance with the Council's School Place Planning Team's requirements the development would reserve a 2 form entry primary school site and make proportionate financial contributions towards the new buildings. The development would also make a proportionate financial contribution to special education need school places (SEND). Due to the available capacity in the local area, no contribution is required for secondary education.

4.10. The planning application was accompanied by Pell Frischmann Transport Assessment and a Framework Travel Plan both dated July 2022.[14] A Transport Assessment Addendum dated November 2022 was also submitted.[15] Further Technical notes were provided to address specific matters including the base model and trip generation.

4.11. The site has been configured to accommodate an extension of the existing bus service through the site. A route along the primary road network would permit the majority of the homes in the proposed development to be within 300m of the route and all of the homes would be within 400m of the route.[16]

- The proposed development makes provision for a mobility hub. This could include:
- Car club bay with EV charging (passive provision)
- Secure and sheltered cycle parking
- Provision to accommodate e-bikes and oversize cycles e.g. cargo bikes, trailers
- Bike repair stand/ pump
- Covered waiting for public transport
- Digital traveller information and wayfinding
- Improved public realm, art, planting

[11] CD 1.8
[12] CD 1.7
[13] CD 1.6
[14] CD 1.30.10 and CD 1.30.11
[15] CD 2.9.1
[16] Transport Assessment paragraph 4.7

- Package delivery lockers.[17]

4.12. The specific amounts and details of the vouchers would be confirmed as part of the Travel Plan submitted prior to occupation but are likely to comprise three months free bus travel per household (which has a current value of around £250) and a £250 cycle voucher per household. These would be managed as part of the Travel Plan and details would be provided to each household in their respective welcome packs at time of purchase.

5. POLICY AND GUIDANCE

5.1. Buckinghamshire Council is a Unitary Authority created on 1 April 2020. It comprises the former Districts of Aylesbury Vale, Chiltern, South Bucks and Wycombe. The Local Plan for Aylesbury Vale was adopted in September 2021. The South Bucks Core Strategy was adopted in 2011, and the Local Plan for Wycombe was adopted in 2019.

Development Plan

5.2. The adopted development plan for the area comprises the Chiltern Core Strategy (2011) and the Saved Policies of the Chiltern District Local Plan (1997, incorporating alterations adopted in 2001), Buckinghamshire Minerals and Waste Local Plan (July 2019)and the Chalfont St Peter Neighbourhood Plan (2016)

Core Strategy

5.3. Policies CS1 of the Chilterns Core Strategy seeks to protect the Green Belt and the Chilterns National Landscape, by focusing new development on previously developed land within existing settlements. Chalfont St Peter is classified as a main settlement to support growth, due to being largely built up with good transport links. The importance of sustainability of location is further emphasised through Core Policy CS4.

5.4. Policy CS8 provides a target for the provision of affordable housing of at least 40%. The proposed development provides 50% affordable housing and therefore complies with paragraph 156(a) of the Framework in relation to the Golden Rules.

5.5. Core Strategy CS13 identifies land at the National Society for Epilepsy site as shown on the Proposals Map as a designated Major Developed Site within the Green Belt. That designation forms a part of the site of the proposed development. It states:

> "*Any redevelopment or infilling which may be proposed on the site will be considered in relation to the guidelines set out in Annex C of PPG2 in order to ensure that development has no greater impact than the existing development on the openness of the Green Belt. Any redevelopment must be compatible with the continuing occupation of parts of the site by the National Society for Epilepsy for care and medical use. Development must preserve and enhance the listed buildings on the site."*

5.6. Policy CS25 requires an assessment of the impact of development proposals on the transport network, including public transport, traffic flows, air quality,

[17] Transport Assessment paragraph 4.8

accessibility levels and road safety. Provision for any necessary improvements or mitigation measures to reduce any negative impacts must be secured prior to final occupation of the development.

5.7. Other relevant policies within the Core Strategy include CS2 Amount and Distribution of Residential Development 2006-2026; CS3 Amount and distribution of non-residential development,; CS10 Affordable housing type; CS11 Affordable housing size, CS12 Specialist Housing, CS16 Employment land; CS20 Design; CS22 Chilterns Area of Outstanding Natural Beauty[18]; CS24 Biodiversity; CS28 Retaining and improving leisure and recreational facilities; CS29 Community; CS31 Infrastructure and CS32 Green infrastructure of the Chiltern Core Strategy.

Local Plan

5.8. The saved policies of the Chiltern District Local Plan (CD4.1) which are most important, are considered to be GC1 Design of Development Throughout the District; GC4 Landscaping; GB1 Extent of Green Belt in the Chiltern District; GB2 Green Belt; R2 Loss of existing sports facilities throughout the District; LB1 Protection of Listed Buildings throughout the District; LB2 Protection of setting of listed buildings throughout the District; TW3 Resistance to loss of trees covered by a tree preservation order and TW6 Loss of woodland.

Neighbourhood Plan

5.9. The Chalfont St Peter Neighbourhood Plan is undergoing review. The relevant policies are H1 Unit mix; H2 Downsizing (residential); H3 Sustainability Statements; H5 Design and Access Statements; H6 Residential development that reinforces characteristics of Character Area; LC2 Support for retention, improvement, replacement and expansion of healthcare facilities; LC3 Sports and community facilities in Mill Meadow and O2 Local Green Space designation.

Minerals and Waste Plan

5.10. Policies relevant to the proposals include Policy 1: Safeguarding Mineral Resources and Policy 10: Waste prevention and minimisation. The site is within a Minerals Safeguarding Area. Policy 1: Safeguarding Mineral Resources of the Buckinghamshire Minerals and Waste Local Plan (MWLP) applies.

Emerging Local Plan

5.11. A local plan for Buckinghamshire is being prepared. It is the Council's intention to meet the Government's target and to submit a Buckinghamshire-wide local plan to the Planning Inspectorate for examination by December 2026. I agree with the parties that this plan carries no weight in this appeal given its early stage of preparation.

[18] Now Chilterns National Landscape

Chiltern and South Bucks Local Plan 2036

5.12. On 21 October 2020 Buckinghamshire Council resolved to withdraw the Publication Version of the Chiltern and South Bucks Local Plan 2036. The decision to withdraw followed initial conclusions from the Planning Inspectors that the legacy Councils had not engaged constructively, actively and on an ongoing basis with Slough Borough Council in relation to Slough's unmet housing need.

5.13. Whilst the Plan is agreed to carry no weight in the decision-making process, as a matter of record Policy SP BP7 allocated part of the appeal site for residential and epilepsy research and care / retirement home uses and noted that the site had a capacity of approximately 360 homes.

National Planning Policy Framework

5.14. Paragraph 124 of The National Planning Policy Framework (the Framework) (2024) encourages the effective use of land for the provision of housing and other uses. Paragraph 126 of the Framework also states that Local Planning Authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs.

5.15. Paragraph 11 – sets out the 'tilted balance' where a presumption in favour of sustainable development applies where the most important policies for determining an application are out-of-date.

5.16. Paragraph 61 – seeks to significantly boost the supply of homes and that the needs of groups with specific housing requirements are addressed. The overall aim is to meet an area's identified housing need.

5.17. Paragraphs 72, 77, 78 and 79 – Requires Local Planning Authorities to prepare planning policies which identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their requirement. Where the adopted plan is more than five years old the local planning authority must identify and update annually a supply of specific, deliverable sites. The Framework recognises that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, providing they are well located and designs and supported by the necessary infrastructure and facilities.

5.18. Paragraphs 85 and 87 – require significant weight to be placed on the need to support economic growth and productivity, which is particularly important where Britain can be a global leader in driving innovation. They require recognition of the specific locational requirements of different sectors, including making provision for clusters of knowledge and data-driving and high technology industries.

5.19. Paragraphs 96 and 97 – require planning decisions to achieve healthy, inclusive and safe places, with mixed-use developments and strong neighbourhood centres, and that support healthy lifestyles.

5.20. Paragraph 99 – requires great weight to be given to the creation of schools that meet the needs of existing and new communities.

5.21. Paragraphs 124 and 128 – require that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.

They require that development makes an efficient use of land and where there is an existing shortage of land for meeting identified housing needs, decisions should avoid homes being built at low densities and ensure that the optimal use of the potential of each site is made. Paragraph 131 – recognises that good design is a key aspect of sustainable development, creating better places in which to live and work.

5.22. Paragraphs 153 and 154 – consider the test of very special circumstances which is applied to inappropriate development in the Green Belt. Paragraphs 156 and 157 – require proposed major development including housing on Green Belt to follow the Golden Rules relating to affordable housing provision, local or national infrastructure improvements and new or improvements to public green spaces.

5.23. Paragraph 214, 214 and 216 outline the approach to weighing any harm to heritage assets.

6. AGREED MATTERS

[The agreed matters below are based on the Statements of Common Ground between the parties and other documents submitted the Inquiry][19]

Matters Agreed between the National Society for Epilepsy and the Local Planning Authority

6.1. The Parties agree that the Proposed Development is inappropriate development in the Green Belt and is by definition harmful and this harm carries substantial weight.

6.2. It is also agreed that the site does not make a contribution to Green Belt purpose e): '*To preserve the setting and special character of historic towns*'. With regards to Green Belt Purpose d) '*To assist in urban regeneration by encouraging the recycling of derelict and other urban land'*, it is agreed that as this purpose is to encourage the development of brownfield land, any proposal on the greenfield land would be in conflict with this purpose.

6.3. The Parties agree that the 5 year housing land supply figure should be calculated for the area using the previous area of Chiltern and South Bucks Councils areas (East Planning Area).

6.4. The East Planning Area local housing need, calculated using the standard method, is 1,105 dwellings per annum, which equates to a total housing requirement of 5,631 dwellings for the five-year period from a 6 May 2025 base date. The parties agree that there is a deliverable housing land supply of 0.75 years for the East Planning Area.[20]

[19] CD 15.8
[20] The figures in the SoCG differ, but the figures in the note submitted by the Council were not disputed.

6.5. The parties agree that for Buckinghamshire, the standard methodology currently calculates a housing need of 4,332 new homes a year. Buckinghamshire as a whole can demonstrate 2.20 years housing land supply.[21]

6.6. The Parties agree that the highest level of weight should be afforded to the provision of Market Housing and also to the provision of Affordable Housing and older persons housing.

Heritage

6.7. Due to changes to the setting, and the significance that the designated heritage assets derive from their setting, there would be instances of '*less than substantial harm*' to the setting of:

- Passmore Edwards House
- Pearman House
- Milton House
- Ashwells Farmhouse
- Ashwells Barn

6.8. The effect of the Proposed Development on the setting of Ashwells Farmhouse and Ashwells Barn are considered to be at the lower level of less than substantial harm.

6.9. The parties agree that the public benefits of the Proposed Development outweigh the less than substantial harm to these assets and therefore the impact of the proposed development on designated heritage assets is not a reason for refusal. The parties agree that there is a technical breach with Policy LB2 but limited weight is given to this in the light of the policies within the Framework.

6.10. The loss of Debenham House and Skippings Farmhouse would result in a total loss of significance and therefore would be judged to give rise to a high degree of harm.

6.11. The heritage assessment considered the following as NDHAs as having the potential to be impacted by the proposed development. They are all identified as Locally Listed on Buckinghamshire's Local Heritage List:

- Horn Hill Village Hall
- Newland Park and associated buildings
- Gardens at Shrub's Wood
- Milestone on A413 to the South of Chalfont St Giles

6.12. The parties agree that the impact on these non-designated heritage assets is not a reason for refusal. The proposals are acceptable from an archaeological perspective, subject to conditions.

Sustainability

6.13. The proposed sustainable travel strategy comprises active travel improvements, including the cycleway to Gerrards Cross Station, proposed bus service enhancements including the new service through the site and on-site

[21] ID31 This is an update to ID22 and includes previously missing figures.

measures including a mobility hub and car club offering a genuine choice of transport modes to destinations external to the site.

6.14. The proposed pedestrian improvements would significantly improve the pedestrian route between the site and Chalfont St Peter village centre and connect to the range of key facilities and amenities therein. A detailed Design Code would be required to ensure the site masterplan and the design of the development integrates with, and responds to, the existing Epilepsy Society site to provide a more cohesive design approach and to establish better connectivity with the surrounding area. The parties agree that a more detailed Design Code can be secured via a suitable planning condition.

6.15. The proposed masterplan would provide a number of different uses to serve the new community and ensure that it would be a sustainable place to live. The provision of on-site facilities (including retail provision, a primary school and employment uses) would facilitate the internalisation of trips and reduce the reliance on private car use. The proposals would ensure that the site is accessible by a range of sustainable travel alternatives to private car use.

Transport

6.16. The TRICS (Trip Rate Information Computer System) outputs used within the trip generation are considered appropriate for use in the context of the development and represent a robust and industry standard assessment of the likely number of trips generated by the proposed development.

6.17. Hybrid working has resulted in a reduction in the number of commuting trips when considered as an average across the working week. Therefore the modest 5% discount in overall vehicle trips applied in this case to represent this, is agreed to be appropriate.

6.18. The strategic model used within the Transport Assessment was a section of the Buckinghamshire Strategic Transport Model (BSTM). BSTM was subsequently adopted as the model to be used within Buckinghamshire for development purposes.

6.19. The bespoke model was used in both the Beeches Park and Little Chalfont planning appeals where it was considered sound and accepted as being appropriate for use to test the impact of each application.[22] Beeches Park and Little Chalfont are both included within the Area of Detailed Modelling Beeches Park is included within the Do Something 3 (DS3) scenario in the Transport Assessment for the appeal scheme as the modelling was jointly commissioned.

6.20. The strategic model meets the relevant requirements contained within the Traffic Analysis Guidance (TAG) to be considered as fit for purpose. The model assigns traffic to the network allowing for redistribution over links within the study area as a result of additional loading on the network. The model also accounts for the link capacity of each of the routes within the study area, and there was no evidence from the modelling that the impact on rural lanes within the model area would be significant.

[22] CD 14.4 APP/N0410/W/22/3299849 & APP/X0415/W/22/3303868

6.21. A small proportion of links within the model fail the journey time validation, however the model overall meets (and exceeds) the 85% of links threshold as referenced within the TAG.. This is therefore not considered significant and does not affect the overall soundness and suitability of the model.

6.22. The proposed junction improvements at the A413 / Joiners Lane and A413 / B4442 / Pheasant Hill junction are considered to appropriately mitigate the impact of the development and represent a betterment in terms of junction operation relative to the future baseline scenario.

6.23. The additional modelling at the A413 / Misbourne Avenue junction provided with the application, demonstrates even with the traffic shown to use the A413 / The Paddocks included, the junction would still operate within capacity. The absence of this link within the model is therefore not considered to represent an issue in the context of testing the impact of the development scheme.

6.24. The Framework Travel Plan submitted with the application represents the framework on which the future Travel Plans to the different land uses on site would be based. The targets within the Travel Plan will be refined following the baseline Travel Plan surveys of the site, in accordance with the requirement of the relevant planning condition. The Travel Plan will include vouchers to promote the use of sustainable travel options for future residents of the site.

6.25. The following package of mitigation measures has been agreed and is considered to adequately mitigate the impact of the development on the existing transport networks.

- Pedestrian network improvements identified in the Multimodal Environment Study.
- A more detailed Design Code to be secured via a planning condition to ensure the development integrates with, and to establish better connectivity with the surrounding area.
- A contribution of £1000 per dwelling towards bus provision
- Suitable cycle route between the site and Gerrards Cross Station
- A short section of footway on the eastern side of Chesham Lane
- A crossing facility between the existing access and Monument Lane
- A bridleway connection from Gorelands Lane and south into the site itself
- A cycle connection north-south between the northern edge of the site and Gorelands Lane
- Updated Travel Plans (for each use proposed) and monitoring fee
- Widening on London Road arm of Vache Lane double mini-roundabout
- Widening on High Street arm of A413/Joiners Lane roundabout
- Widening/flare length on Joiners Lane arm of A413/Joiners Lane roundabout
- New foot/cycle path 3m wide bitumen with 1m-wide verges connecting Newlands Park to the proposed development

- Upgrade to Footpath CSP/12/2
- Upgrade and realignment to Footpath CSP/7/1
- Upgrade of Footpaths CSP/12/1 and CSP/12/2
- Upgrade of Footpath CSP/7/4
- Provision of on-site mobility hub
- Provision of on-site car club space(s)

6.26. The proposed development, with the mitigation measures listed above, is considered to accord with paragraphs 115 to 188 of the Framework.

Landscape

6.27. The appeal site is not a Valued Landscape for the purposes of the Framework. It contains no landscape-related designations and does not lie within a designated National Landscape.

6.28. The Chilterns National Landscape lies to the northwest and is not affected by the proposals. The appeal Site lies within the setting of the Chilterns National Landscape. The parties agree that there are no views from within the Chilterns National Landscape towards the appeal site, which would result in any harm to the fabric and purposes of the National Landscape itself.

6.29. It is agreed that the appeal site lies mostly within the Chalfont St Peter Mixed Use Terrace (LCA22.2) Landscape Character Area (LCA), at the edge of the LCA and its interface with the settlement, which it also partly lies within. It is also agreed that the Site lies within the LCA Heronsgate/Chalfont Farmland. Part of the appeal site lies within the Urban Character Zone 13: Chalfont Colony, as set out in the Chalfont St Peter Historic Town Assessment.

6.30. The appeal site has a number of public rights of way that pass through it.

6.31. The appeal site is located outside of the defined settlement edge of Chalfont St Peter, within the designated Green Belt. Additionally, the vast majority of the Site sits outside the CS13 Major Development Site designated boundary. Part of the appeal site was recommended for release from the Green Belt in an earlier version of the draft local plan (now withdrawn), including that part which relates to the built-form and operational land of the National Society for Epilepsy site.

6.32. There are significant adverse effects identified in the ES and Landscape and Visual Impact Assessment (LVIA). The visual significant adverse effects are relatively localised effects.

6.33. The first piece of entirely undeveloped land heading east away from Chalfont St Peter lies beyond the Epilepsy Society Estate and Skippings Farm colony of buildings. While the 'colony' comprises some buildings in commercial use that are unrelated to the farm, as well as derelict buildings, it is noted that farm buildings are appropriate development in the Green Belt in the Framework.

6.34. The parties agree that there would be no significant adverse effects on the following receptors:

- Landscape impact on the character of the Chilterns National Landscape;

- The National Landscape Character NCA 115: Thames Valley;
- Landscape impact on the LCA 2: Herongate Heights, LCA 18.8: Little Chalfont; LCA 19.2: Lower Misbourne, Urban Character Zone 1.
- Visual impact on road receptors on Roberts Lane, Brawlings Lane, Gorelands Lane, Chesham Lane (however, the assessment of viewpoint 17b identified significant adverse effects)
- Visual impact on the properties at the edge of Chalfont St Giles
- Visual impact on visitors of Newland Park

Sports Provision

6.35. Sport England object to the layout of the proposed pitches provision, which comprise three split sites separated by a road. The proposed replacement pitch arrangement is not considered to provide such a lower replacement pitch quality compared to existing to warrant a reason for refusal. The precise layout of the proposed Sport Pitches is a detail for Reserved Matters stage. Details of the football clubhouse/pavilion building and parking area would also be secured at Reserved Matters stage.

6.36. Provision and management arrangements for the sports facilities, including the dual use of the school pitches, are to be secured via proposed S106 Planning Obligations and / or condition.

Ecology [23]

6.37. The Local Planning Authority, in consultation with its Ecology Officer, has agreed that subject to securing a suitable planning condition, the ecology and matters in relation to trees are resolved. The parties are agreed that no technical reason has been identified which would prevent the scheme from delivering the requisite 10% BNG, and therefore neither ecology nor BNG is a reason for refusal of planning permission. Subject to securing a suitable planning condition, the ecology and trees matters are resolved.

Other Matters

6.38. The Utilities infrastructure assessed and proposed is adequate, subject to relevant planning conditions. The noise and air quality effects of the development can be made acceptable subject to appropriate mitigation to be secured via condition.

6.39. The appellant has demonstrated there is unlikely to be any mineral of value or potential value within the application area. The proposals are acceptable from a waste perspective subject to conditions. The proposals do not affect the safeguarding zone and HS2 supports this position

6.40. The range of measures in the Proposed Development to address climate change and energy sustainability can be secured through appropriately worded planning conditions.

[23] ID21

6.41. An Agricultural Land Classification Report was submitted in July 2025. The findings confirm that of the proposed developable area of the site there is 4 ha (7.5%) Grade 3a and 49ha (92.5%) Grade 3b land. As the Site is only partly BMV, it is of local significance only in terms of its potential loss and it does not exceed the call-in threshold for Natural England. The Parties agree that given the limited area of BMV, whilst the proposals would be contrary to paragraph 187b of the Framework, only limited harm is attached to this matter.

Matters agreed with SENSE

6.42. The Parties agree that the site is located within the Green Belt. The Proposed Development is inappropriate development in the Green Belt and so is by definition harmful and any harm carries substantial weight.

6.43. The National Landscape lies slightly to the northwest of the site.

6.44. Policy CS8 provides a target for the provision of affordable housing of at least 40%. The Golden Rules as set out in the Framework (2024) require 50% affordable housing provision in this location.

7. THE CASE FOR THE EPILEPSY SOCIETY

[This summary of the case for the Appellant is based on the closing submissions, the proofs of evidence and other submissions to the Inquiry]

7.1. The development plan for the area is out-of-date for several reasons, including the fact that it does not provide for sufficient housing to meet the needs of today and, connected to that, the presence of a very severe housing deficit from which the legacy area (Chiltern, or the 'East' area) and Bucks as a whole, suffer.

7.2. As a result, non-compliance with the out-of-date policies of the development plan should be given very reduced weight. Those out-of-date policies include the housing policies but also embrace the way the settlement boundaries and Green Belt boundaries are drawn in the Plan. The spatial strategy seeks to meet a much smaller need entirely within settlements. Those policies form part of the balance that the out-of-date plan struck between needs and constraints, and they necessarily differ from the way that the balance would be struck some 14 or 15 years later, given the way that housing needs have escalated.

7.3. The site remains within the Green Belt, and due to its overall extent and character, it is not classified as grey belt. The central question in the appeal therefore becomes whether, applying up-to-date policies (mainly from the Framework) and planning judgements across the relevant considerations, the benefits of granting permission for the development clearly, (ie decisively) outweigh the harms to the Green Belt and any other harms.

7.4. Due to the need for housing, that the proposed housing itself might be thought sufficient to outweigh the acknowledged substantial harms to the Green Belt and countryside character and appearance in this case. But in addition to the housing, affordable housing and care accommodation benefits of the scheme would come economic benefits, jobs, biodiversity and sustainable transport gains that would bolster the whole area.

7.5. In addition, a huge benefit of the proposals would be the effect on the Society. The Society is a world-leader in epilepsy, caring for around 100 very challenging cases on site, taking the lead in medical treatment of epilepsy and, in partnership with University College London and its hospital (UCL and UCLH), doing remarkable imaging and genomics research that benefits epilepsy sufferers globally.

7.6. Receipts from the sale of the appeal site with planning permission would be spent at the Chalfont Centre in Chalfont St Peter, on a project to create a new research centre, elevate the research capability of the site, and replace key equipment with cutting-edge installations. Since the receipts of land sales must be spent on the Society's purposes, it is clear that the grant of permission would lead to real benefit to it.

7.7. However, the links between the current development proposals and the future of the Society run deeper than that for two main reasons. First, due to the restrictions on the use of the receipts and the way that the s.106 would operate, there is a nexus between the residential development and the way that the Society's project would be delivered. Second, the project is very much needed to stave off what the evidence shows to be impending insolvency of the Society and the loss thereby of the unique blend of beneficial activities and characteristics that the Society's work at Chalfont St Peter provides.

7.8. The benefits of the receipts from the proposals are part and parcel of the Very Special Circumstances ("VSC") case; they are a component part of those circumstances which justify the release of Green Belt land, are therefore necessary, and are related to land use and to the scale of the development. The development scheme is the optimised version of the number of homes necessary to generate the receipt needed by the Society.

7.9. For these reasons, the harms (largely agreed between the Society and the Council) to the Green Belt would be clearly outweighed, together with the substantial harm to local landscape character and views, bearing in mind the moderate sensitivity of the landscape and relevant views and the way the effects in total are (as agreed) localised and contained by topography and vegetation.

7.10. There would be very limited harm to the settings of listed buildings on the site, and to a small area of BMV agricultural land. However, contrary to some of the objections, there would be no harm to highways, sustainable travel objectives, or flooding policy objectives or safety.

7.11. It was common ground that Green Belt land needs to be developed for Bucks to meet its unmet housing needs – nearing 70,000 units over the forthcoming plan period, and to try to address the shortfall in affordability in this very expensive part of England.[24] The circumstances here include the complete absence of any real alternatives – the Council does not suggest any alternative sites to meet part of the need. The Council does not say that the development is 'premature'. The new local plan will not be adopted until 2028 at the earliest.

[24] ID22

7.12. That is why the circumstances which apply to this development, and therefore the huge benefits it would bring, clearly outweigh the harms that it would cause.

POLICY

7.13. The development plan is out of date. It may be that some aspects of the landscape and the Green Belt adopted policies, for instance GB1 and GB2 of the old Local Plan to some extent accord with some elements of the 2024 Framework, but it is not so much whether adopted policies accord with the Framework that matters here, as much as how they were applied to set the limits to development in the adopted plan(s).

7.14. In 2019-20, the former Chiltern Council recognised even on the basis of much lower housing need figures than apply now, that the balance struck in 1994 and 2011 had to be revisited. The Green Belt boundary, and the countryside were reviewed and a 16.5ha area of the Society's developed and undeveloped land was identified for release and development. The housing needs are now much greater; the Society responded in 2019-20 by pointing out that even such a Green Belt release as was proposed then would not put it on a firm financial footing.

7.15. The Neighbourhood Plan (2013-28) does not contain any housing allocations and therefore does not serve to engage paragraph 14 of the Framework. It is also out-of-date because of the housing land supply position and the way that housing and other needs have moved on.

GREEN BELT

The Framework

7.16. In December 2024 the Government amended the Framework materially in relation to Green Belt policy. The category of grey belt was introduced, along with other tests through satisfaction of which development on grey belt land might be found to be "not inappropriate".

7.17. The appeal site is not grey belt (though some of it would be termed Previously Developed Land (PDL) and/or grey belt, were the red line to extend no further than the areas characterised by buildings and hardstanding). However, it does not follow that development which might be acceptable because of prevailing very special circumstances (VSC) is somehow less favoured because of the introduction of grey belt.

7.18. Paragraph 158 of the Framework indicates that significant weight should be given to any development in the Green Belt which satisfies the Golden Rules, the current Framework introduces a further potentially important factor which informs whether the benefits would clearly outweigh the harms in such a case. The Framework therefore gives some further encouragement to Green Belt residential development where it comes with 50% affordable housing, the appropriate infrastructure, and open space improvements. It is agreed that is the position here.

Harms

7.19. The development would give rise to so-called 'definitional harm' as it is 'inappropriate' in Green Belt terms. It would cause a substantial adverse effect to

openness, given the spatial and volumetric impact it would have, and it would have a substantial adverse visual impact when seen from footpaths on the appeal site itself which would run through the residential development, albeit due to the degree of containment the perception of impact on openness is less than might be expected from a scheme of this size.

7.20. A judgement is needed as to whether the more distant views from the footpath to the north of the developed area, which lies a field away with intervening vegetation both existing and proposed, would cause substantial visual harm. The appellant's view is that the combination of distance and vegetation would lead to a lesser degree of adverse change. The longer distance view points (ie looking from the Green Belt towards the appeal site) would be affected only negligibly, if at all.

7.21. Purpose (c) of the Green Belt (preventing encroachment into the countryside) would be significantly affected by the 975 homes and supporting development. The actual level of harm to the character of the countryside is significant adverse but only in relation to a landscape of moderate sensitivity.

7.22. There is a further view to be taken about the extent to which the existing Society buildings on the appeal site qualify as 'not inappropriate' any more. Only really the former Skippings Farmhouse and two adjacent barns (one missing its roof) might fall into that category. The rest have long been in a variety of commercial or Society uses and are inappropriate development in the Green Belt.

7.23. Harm to purpose (a) – preventing unrestricted sprawl – is accepted by the appellant, despite the nature of Chalfont St Peter and the way that the containment of the site prevents any wider countryside effects .

7.24. Purpose (b) – preventing the coalescence of neighbouring towns – is agreed only to give rise to moderate harm. This is principally on the basis that the gap between Chalfont St Peter and Chalfont St Giles would not be affected greatly. The perception of the places as separate settlements is agreed not to be affected by the development, and the amount of 'gap' taken up is relatively limited given the orientation of the two places.

7.25. There is no harm to other purposes.

Other Green Belt points

7.26. The Framework says that the Green Belt harm should be given substantial weight. This is the main demerit of the appeal proposals.

7.27. During the Inquiry it was explained that the Society has always been focused on minimising the amount of the Green Belt it sought to be released, by reference to both the receipt it needs for its future stability, but also to balance that against placemaking and other planning objectives. The scale has not been judged by reference to the scale of the housing deficit – that would potentially have justified a larger Green Belt release.

7.28. There is no design reason for refusal, or any suggestion that the development would not be a successful place or that the scheme does not make effective use of the land it seeks to have released from the Green Belt. It is a well-judged scheme in its own terms, consistent with the Framework's emphasis on efficient use of land and ensuring high quality design.

7.29. Green Belt land will inevitably have to be developed to meet housing needs in this area.

7.30. Some suggestion was made at the Inquiry that the Framework's plan making hierarchy (in paragraph 148 – PDL followed by grey belt then greenfield Green Belt) was likely to mean that housing needs might be met on grey belt sites or on PDL in Bucks through the process of the new local plan. However, there is no evidence in the public domain about the extent of grey belt land available for housing development in the next plan, or indeed about whether such land would be acceptable to develop in other relevant ways (heritage impacts, sustainable transport, and so on).

7.31. The scale of the housing need is huge, getting on for 70,000 homes. The levels of constraint are also very substantial in the southern half of Bucks: 82% of the East area is Green Belt, 72% of it is in the National Landscape.

7.32. No weight should be given to the potential future plan's use of PDL and grey belt because we don't have any evidence at all about the scale of potential useable land, nor has any Green Belt study been produced, let alone consulted upon or tested at Examination in Public.

7.33. The starkness of the position means that, it is likely that Green Belt will be needed beyond PDL and grey belt. The total absence of suggested alternatives to this scheme rather underlined the position.

LANDSCAPE AND VISUAL EFFECTS

Over-view

7.34. The proposed development has been designed with the landscape and views in mind. With a development of this size, there are bound to be adverse impacts through loss of undeveloped agricultural land, but the GLVIA3 guidance makes it clear that the professional assessor should consider the components of the landscape as well, which if improved may provide some countervailing benefits. The most notable examples here, comprise hedgerow improvements, tree planting and biodiversity enhancements. The appellant attributes substantial weight to the harm to the landscape and visual aspects of the appeal site.

Landscape

7.35. Agreement exists that the baseline landscape in character terms is of moderate or medium sensitivity, which is unsurprising given that the landscape of the site is not designated and has no features or associations which would make it a 'Valued Landscape' for the purposes of the Framework's policy tests.

7.36. Both landscape witnesses reach the same view about significant adverse impact overall on landscape character due to the scale of the change from agricultural to residential settlement.

7.37. The National Landscape comes close to the boundary of the site at one point. It is agreed (a) that the site lies within the setting of the National Landscape, but (b) that there would be no significant adverse effects worth noting on the National Landscape and (c) that there are no views from within the National Landscape which would be affected.

7.38. There are a handful of relatively distant views in which the current view of the outer, treed, 'face' of the National Landscape would be occluded by built form. The appellant assesses this as giving rise to only a minor adverse effect. The site visit will inform the judgement as to whether that is the right view or whether the Council's witness is right to say in her rebuttal that the harm would be greater. It is notable that the Council's main proof, which was informed by a site visit, did not allege any harm to the setting of the NL. This pint only arose in its rebuttal.[25] However, given the very limited level of appreciation of the National Landscape's natural beauty from those viewpoints, the appellant's judgement seems reliable, a point perhaps underlined by the fact that Council did not say there would be any harm to the setting of the National Landscape in its main proof.

7.39. Even the minor adverse effect entails the appellant agreeing that to grant permission for the proposed development would not allow the SoS to further the purpose of conserving and enhancing the natural beauty of the National Landscape and this should be given suitable weight in the planning balance, bearing in mind the degree of impact in this case.

Visual Impacts

7.40. Both experts agree that footpaths through the developed area would experience substantial loss of visual amenity, but the appellant finds that those to the north, separated from the proposed built area, would experience a lesser residual effect for the reasons he explained. The Council's summary point on this was that there would be a loss of rurality for receptors on those paths, which to some extent would be true; however, those footpaths are well into the rural area of the site, with undeveloped landscape to the north, east and west; any views of the proposed development from there would be filtered; in short they would still be rural walks. As the appellant notes, to the east and west of the site there is already a scattering of suburban development which is visible in views and informs the experience of this relatively well settled landscape.

Methodology etc

7.41. In the exchange of rebuttal evidence on landscape and visual maters one finds some differences relating to the techniques for and uses of Zones of Theoretical visibility, but these are no more than tools and the issues they are designed to flush out are very circumscribed in this appeal – the main difference is that the longer-distance views that the Council considers would be available are very unlikely to represent relevant views at all, for the reasons the appellant sets out in his rebuttal. Nothing was really made of other points about the LVIA or the photomontages in the Round Table Session.

7.42. The location of the appeal site on the periphery of the Colne Valley Regional Park (CVRP) and therefore a degree of urbanisation to it, does not add much to the landscape and visual issue. The appellant carried out a useful analysis of the CVRP, which is a non-statutory designation for landscape amenity and various active uses of the land for cultural and recreational purposes. The peripheral urbanisation of part of this area would be outweighed by the enhancements to

[25] Ms Sechi POE paragraph 6.3.10

the unbuilt area (the portion of the site which lies most within the CVRP) and to accessibility using the footpaths there.

BMV

7.43. The assessment carried out by the Society's experts has not been doubted and it is agreed that only 4ha falls within Grade 3a (and thereby qualifies as BMV). Bearing in mind the way that paragraph 187b of the Framework is put, this must be put in the negative column, but only with a limited weight – this is agreed between the Society and the Council.

HERITAGE

7.44. This was agreed and was not the subject of live evidence at the Inquiry. It is common ground that several Grade II listed buildings on the Society's estate would have a low less than substantial harm due to changes in their setting (although none of them lies within the area to be developed as part of this proposal).

7.45. The appellant's planning proof set out that it did not really agree with the Council's assessment that Ashwells Farmhouse and Barn (GII) would be affected by changes in their setting but has since formed the view that a very low level of less than substantial harm should be accorded to them.

7.46. The NDHAs need not be demolished – they could be repurposed, but their loss would, viewed proportionately, only add a very small additional negative to the overall balance.

7.47. The Council's view is that the benefits of the development outweigh the harms to heritage taken as a whole.

OTHER ALLEGED HARM (NOT ACCEPTED)

7.48. There are several other issues which the Council and SENSE claim should weigh against the grant of permission, and which should count as 'other harm' for the purposes of the VSC judgement.

7.49. These are: highways impact and unsustainability (SENSE only), drainage, flood safety and the sequential test; and the quality of replacement sports pitches.

Highways

7.50. The site benefits from being close to the A413, which provides connections to the A435 to the north and north east, and to the A40, M40 and M25 to the south, and south-west, including towards central London. The M40 / M25 junction is located approximately 9km from the site (10 minute drive), and the M40 / A355 junction is located approximately 11km from the site (16 minute drive), neither of which would require access by rural lanes.

7.51. There is no objection on highways impact from the Council as Highway Authority. A compendious rebuttal of all SENSE's points is set out in The appellant Highway rebuttal proof.

7.52. The effects of the proposals on the local highway network have been appropriately assessed and fall well short of being considered to be severe. The trip rates drawn from the TRICS data base were thoroughly reviewed by the Highway Authority and found to be appropriate for this location. The trip generation was agreed as being fit for purpose by the Highway Authority. For the residential trip generation assessment, 30 site surveys were used across the four types of residential use, 16 of which were classified as 'Suburban Area' within the TRICS database, 10 were 'Edge of Town', and 4 were 'Neighbourhood Centre'. No 'Edge of Town Centre' or 'Town centre' selections were used, and therefore, the sites / surveys used represent a suitable selection to generate potential trips to and from the development.[26]

7.53. The transport model is a section of the BSTM, which has been adopted by the Council, which was developed specially for assessing the impact of the appeal scheme and Beeches Park. It was also used to assess the impact of the Little Chalfont scheme. In both the latter cases, the same model was used and was considered to be fit for purpose by the respective Inspectors.[27]

7.54. The modelling forecast year and peak hours were agreed with Buckinghamshire Council and it was determined that the forecast year for the assessment would be 2036.

7.55. Some areas within the model are calibrated and validated better than others. Notwithstanding this, the overall performance of the model is appropriate for use to test the impact of the development. The Highway Authority support this view. There are no 'lost' movements as suggested by SENSE, even where in a small number of cases the model shows predicted movement totals rather than the net additional movements.[28]

7.56. SENSE suggest that the model failed its validation test on the A413 between the Site and Chalfont St Peter village centre. This is because the difference between observed traffic flows on this link and the flows within the model exceed 15%. The Highway Authority agree that the model overall meets all the required tests for suitability.

7.57. A sensitivity test on this link manually increased the flows such that the 85% threshold is met (and therefore the link would meet the requirements to pass its

[26] Mr Cranley POE paragraphs 7.3.4 & 7.3.5
[27] Mr Cranley POE paragraph 10.1.8
[28] Mr Cranley POE paragraph 7.3.9

validation test). This additional modelling demonstrates that even with the increased flow the impact of the appeal scheme cannot be considered as severe in regard to the test within the NPPF.[29]

7.58. SENSE are also critical of the failure to include the Misbourne Avenue Junction with the A413 within the model. A sensitivity test in relation to the Misbourne Avenue junction with the A413 was carried out in June 2023.[30] This showed that the junction would operate within capacity in the future assessment year scenario. The Highway Authority was satisfied that should traffic choose to use Misbourne Avenue, it would not cause an unacceptable impact on the highway network.[31]

7.59. Contrary to the submission by SENSE the model is sufficiently sophisticated to enable redistribution of traffic across the model network to reflect potential areas of congestion within the network. SENSE made a number of criticisms of the model, but a number of these are based on a misinterpretation of the information in the Transport Assessment Addendum.[32] These include using the flow difference figures to assess the flows and the level of traffic entering the site.

7.60. The Transport Assessment includes interventions required to mitigate certain impacts in the local area. These are all deliverable within the highway boundary, and all make the flow of traffic easier than in the 'without development' scenario. The assessment is robust because it omits any effect on trip generation or distribution from the improvements to public transport, cycling and walking. Therefore, the Transport Assessment and its analysis should be given full weight.

7.61. There is no evidence within the traffic modelling or assessments of the local network to indicate that there would be an unacceptable impact on rural lanes. Indeed, the model (which considers the link capacity of each of the roads within the study area) does not indicate a significant increase in traffic on rural lanes as a result of the development. The use of accident data showed no existing highway safety issues within the local area.

Sustainability

7.62. Mr Barratt suggests that the proposed development has been brought forward without sufficient attention to the policy requirement for a vision-led approach, and without reasonable bus, pedestrian and cycle improvements. The Round Table Session led to the Council to add public transport improvements as an additional benefit to the planning balance.

7.63. A Multi Modal Environment Study was requested by the Highway Authority in part to address the topography issues. The Highway Authority confirmed that the routes assessed are reasonable and expected to be the most popular desire lines for future residents and visitors to the site. The Study identified defects and omissions within the existing walking and cycling network, and improvements necessary to address these matters.

[29] Mr Cranley POE paragraphs 8.1.1, 8.1.2, 8.1.9
[30] CD 2.39
[31] Mr Cranley POE paragraphs 5.2.7 – 5.2.9
[32] CD 2.9.1 Transport Assessment Addendum paragraph 3.5

7.64. The improvements include crossing facilities on Chesham Lane in three locations. The appeal site would be walkable to local destinations. An improved cycle route to Gerrards Cross centre and railway station (to be worked out at reserved matters stage). These destinations are within cycling distance, even leaving aside the increasing use of e-bikes, and would be served by dedicated facilities, some on-road and some off-road. All the improvements would be within the highway boundary.

7.65. These improvements have been to the satisfaction of the Council as Highway Authority. Paragraph 110 of the Framework requires development such as this to be directed to places that are, or can be made, sustainable from a travel point of view – that is also one of the three components of the Golden Rules in paragraph 155(c). Those policy requirements would be met.

7.66. The existing PROW are identified on the Masterplan Vehicular & Pedestrian Access Parameter Plan and will remain as currently designated.[33] The Illustrative Masterplan shows how the PROW can remain in a proposed development scenario.[34]

7.67. The proposal also provides for bus service enhancements. The development would be improved through contributions totalling £975,000 over the five years from first occupation. This would be sufficient to ensure one of the existing bus routes operated by Carousel (part of Oxford Bus Company) can enter the appeal site (including throughout the construction phase) and offer a half hourly service to key facilities including Chalfont St Peter village centre, the centre and railway station at Gerrards Cross (24 minutes to London Marylebone), Wexham Park Hospital and Slough.

7.68. Carousel buses have provided information regarding the proposed improvements which would result from the contributions from the development site and provides assurances regarding the likely ongoing sustainability of the service beyond the initial funded period.[35]

7.69. Carousel has written several times in strong support of this arrangement, including confirming its ongoing viability after the initial expenditure (partly due to the increased uptake from existing users and partly due to the demographic change that the scheme would bring in the immediate locality).

7.70. The half-hourly service would provide links to local secondary schools, retail and medical facilities in Chalfont, Gerrards Cross Station and superstores, and then beyond directly to Wexham Park Hospital and Slough.

7.71. A Framework Travel Plan was submitted with the planning application, and the requirement for full revised Travel Plans to support the different uses on site is outlined within the Section 106.

7.72. The s.106 agreement contains appropriate provision to ensure that the improvements are implemented and the required funding is provided.

[33] CD 2.31 Figure 2
[34] ID25
[35] Mr Cranley POE Appendix A

7.73. Active Travel England were a statutory consultee on the planning application and has raised no objection to the development proposals. They will also be consulted on the full Travel Plans when produced at the respective reserved matters stages.

Drainage, flooding and sequential test

7.74. Burro Happold submitted a note to the Inquiry addressing a number of flood and drainage issues that arose during the Inquiry.[36] All the relevant drainage calculations and investigations have been carried out in relation to the surface water issues as per the Environment Agency (EA) mapping before it changed in 2025.

7.75. The drainage strategy incorporates infiltration-led SuDS features. The strategy includes robust mitigation measures to ensure safe and sustainable drainage performance. These include sub-catchment-based infiltration design, safeguarding of overland flow routes, and SuDS treatment trains to manage runoff quality and quantity. These features are sized to accommodate the 1 in 100-year storm event with a 40% climate change allowance, in line with Local Lead Flood Authority (LLFA) guidance. These measures remain valid and effective in light of the updated EA surface water flood mapping published in April 2025.

7.76. Site access points have been reviewed and are not anticipated to be at risk of flooding under the indicative scheme. The development is also unlikely to contribute to surface water issues in the village centre, as the strategy aims to retain and treat runoff within the site.

7.77. The EA's revised flood mapping does not, as Buro Happold say in their recent note, change the position very much. They recognise that at the detailed stage, a full suite of updated hydraulic modelling and, if necessary, pipe designs, would need to be submitted and approved, but it follows from the limited degree of change from the EA mapping, in Buro Happold's opinion, that such a review would not throw up major new or insuperable issues. That accords with the position of the LLFA, namely that further modelling is needed and this should be secured by condition.[37]Clearly the LLFA would not have responded in this way if they believed that outline permission should not be granted until such modelling had been done, and as such they are at odds with SENSE's position on this issue. Such a condition is included within the draft conditions.

7.78. Given the evolving nature of flood mapping and the outline status of the application, it is appropriate and consistent with planning practice to address updated hydraulic modelling and surface water flood risk mitigation through pre-commencement planning conditions. This ensures that the development will only proceed once it is demonstrated to be safe and compliant with the latest flood risk data.

7.79. As for flooding at the site accesses or in the middle of Chalfont St Peter, the latter of which, certainly, the Society recognises as a particular existing local problem, the Buro Happold note sets out the position. There would be no off-site

[36] ID 33
[37] CD20.65

run-off affecting the accesses. The surface water drainage would be dealt with on-site and therefore would not itself exacerbate downstream issues in the public sewers.

7.80. Turning to the question of foul waste drainage, the relevant statutory body is Thames Water. They have not objected to the appeal scheme on the basis of insufficient capacity at the Maple Cross Waste Water Treatment Works (WWTW). It seems to be the case that as things stand, there would be insufficient capacity to take all of the waste from the development, but that is not anticipated to delay its delivery.

7.81. Thames Water's position is that some 150 homes or the primary school could be delivered before upgrades are required, but it has also identified both a potential additional reinforcement of the system to deal with the entire development (a potential new 600mm pipe to the west of the site). In addition, works to the Maple Cross WWTW have been identified as necessary and will be brought forward by Thames Water over the period during which the scheme will also be delivered. Thames Water does not suggest (as other water companies, rightly or wrongly, have suggested elsewhere in the country) that a Grampian style condition is necessary to prevent homes being completed before the WWTW is upgraded.

7.82. The housebuilders will have a statutory right to connect to the sewerage network and this provides the background to the Thames Water position. In short, the upgrade needed for the waste water system is a material consideration, but not one that weighs against the grant of permission.

7.83. As to the sequential test, no sequential test is required in respect of surface water flooding if there is clear evidence that the scheme would be safe. That guidance applied proportionately to the facts here allows a judgement that, subject to a condition (which Buro Happold and the LLFA clearly think can be discharged), then the site would be made safe from surface water flooding.

7.84. However, if one is considering the need for a sequential test, as the Society had to between December 2024 and the recent change to the PPG in September 2025, then the work done is sufficient, for the reasons below.

7.85. The PPG makes the judgement as to the appropriate way to carry out a sequential test a highly case-specific one. It says that the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address. The catchment area should always be appropriate to the nature and scale of the proposal.

7.86. This proposal is highly specific and tied to the Society's location, role and future activities – including developments – of the Society at the Chalfont centre. It is not a footloose residential scheme that could be anywhere, for those reasons.

7.87. Furthermore, the assessment reasonably targets the eastern area – with 0.75 years' housing land supply it is an appropriate area to study if one is focusing on the needs for housing that would be met.

7.88. The scale of site looked for is reasonable – the developed area is only part of the site. The Council suggests a search for sites of between 35ha and 58 ha. The

search started with sites of 59ha in size, although it looked for larger sites as well. However, fundamentally the approach by the Council fails to take into account that the scheme is put forward with the whole site playing an integral part in the planning proposition, because the BNG changes and on-site footpath improvements cover the entire area.

7.89. In any event, the evidence as to whether there is a realistic outcome where either the East area's needs, or indeed the nearly 70,000 net needs of Bucks as a whole can be met without developing this site is compelling. There is no identified alternative, no magic answer and the site is needed. This consideration has two consequences: (1) there is no sense in which a mooted failure to look for sites across a wider area goes anywhere, and (2) it is really very hard for the Council to suggest that the sequential test weighs against the grant of permission even to the "moderate" extent suggested in Mr Fannon's evidence , let alone to give rise to a 'strong' reason for refusal (itself inconsistent with only giving the point moderate weight).

7.90. For these reasons, there is no additional negative consideration in relation to drainage, wastewater or the sequential test.

Sports Pitches

7.91. The Council rely on the responses from Sports England. Sports England's points should be given the weight usually due to a statutory consultee, but looked at carefully are all thoroughly answered in the Deloitte response, which draws on the suite of sports pitch work undertaken by the Society, including (a) ensuring the quality of the ground would enable high-quality pitches to be provided , and (b) providing more pitches overall and all-weather pitch with far more carrying capacity than the current pitches.

7.92. There is no basis for alleging that the pitch area would be unacceptable because of its elongation (indeed the Deloitte note shows the distances between the pitch extent as things stand are further than that proposed).[38] A couple of pitches are in a separate parcel on the other side of one of the site access roads, but this is a local distributor and would not be heavily trafficked, and would come with proper new crossings built in at the detailed stage. Pitches are usually designated for games and so there would be little cause to cross anyway during an event – but it is not a point with any real force anyway. The suggestion from SENSE that children with special needs would be disadvantaged ignores (a) the provision for safe crossing and (b) the realities of such children being accompanied anyway to a sports site such as the current and proposed pitch areas.

7.93. The pitches proposed would be of excellent standard and would provide a good pavilion; the interaction with the potential primary school is set out in the s.106 agreement; it is not suggested that even if there was a school needed as part of the scheme, the pitches for general or club use would be too few in number.

[38] CD2.27

7.94. The draft s.106 contained provision for a temporary pitch or pitches to ensure continuity of use. The Society supports continuity of use (always remembering that the existing pitches are not used as of right by any group or club at the moment) but feels that a suitable sequencing can be provided such that continuity can be assured by requiring the permanent new pitches to provided in sequence as the current ones are removed – the drafting of that provision continues to be considered by the parties.

7.95. For those reasons, the sports provision as part of the development would be secured and would meet appropriate standards.

ECOLOGY

7.96. There is no dispute between the parties about the ecological effects of the scheme. There would be a BNG of at least 10% which is a matter of some significance given the scale of the site to begin with and goes well beyond any legal or policy requirement on this development proposal.

7.97. However, the evidence prepared by the Society shows a likely figure of 21% BNG or thereabouts can be achieved. The Council is not prepared to accept this before the detailed stage, but one needs to bear in mind that the additional amount largely relates to planting, hedgerow reinforcement and meadow planting where currently poor biodiverse arable land exists, all in the part of the site to remain undeveloped. There is no evidence given or indeed general reason to suspect that the BNG would not be achieved and the higher figure should be taken into account as well as the 10% as it were 'guaranteed' level.

THE EPILEPSY SOCIETY NEED FOR THE DEVELOPMENT

7.98. The Epilepsy Society was founded in 1892 on its current site. The founding fathers were concerned to provide the best medical care and also conduct research to improve the treatments available for epilepsy. The aim was to provide a better life for people with epilepsy. The Epilepsy Society roles include research, advocacy, care for people with complex epilepsy and associated conditions such as learning disabilities and autism, medical services to people with epilepsy, and a wide range of training. About 100 people are currently living in 6 discrete care homes and supported living at the Epilepsy Society in Chalfont St.Peter.

7.99. The world's first MRI imaging facility dedicated to epilepsy was provided at the Chalfont St. Peter site in 1995. The Epilepsy Society was integrated with the National Hospital for Neurology and Neurosurgery for clinical work and UCL Institute of Neurology for academic work. The Gowers Centre opened in 2002 adjacent to the MRI Unit, greatly enhancing integration with clinical care whilst also further facilitating research.

7.100. In addition to the services provided directly by the Epilepsy Society, UCLH also provide services from the charity's buildings in collaboration with the Epilepsy Society. The clinical services provided at the epilepsy site in partnership with UCLH are recognised as the final port of call for adults with complicated or uncontrolled epilepsy. The Epilepsy Society provides the location and infrastructure that has permitted research into epilepsy. The co-location of all these aspects of epilepsy care and research is unique across the world. It has led to a better understanding of each individual patient's epilepsy. This work has

contributed to national guidelines and international guidelines and his part of the UK's National Institute for Health and Clinical Excellence.

7.101. The Epilepsy Society provides infrastructure, resources (free parking, refreshment, equipment, space, researchers), funding, engagement of the epilepsy community and directly collected data informing and contributing to research. Funds for research undertaken at the Epilepsy Society site come from various sources, including the Epilepsy Society, UCL, and a variety of grant-giving bodies in the UK and abroad. Professor Sisodiya confirmed that grant funding is from multiple sources but predominantly from the Epilepsy Society.

7.102. The Epilepsy Society has also been involved in genomics research with UCL. To this end it has invested in laboratories, equipment and consumables, a DNA banking facility and personnel. It is recognised world-wide as a leader in the field of epilepsy.

7.103. Other areas of research include clinical trials, the monitoring of anti-seizure medications in the Therapeutic Drug Monitoring unit (TDM) to establish the right dose research into patterns of epilepsy in the population and research into sudden unexpected death in epilepsy.

Solvency

7.104. The Society's income is made up of Local Authority / National Health Service (NHS) income for commissioned care services, fundraising, payments for medical services activity like the TDM unit and MRI scanning, and rental income from commercial and private tenants. Care income is increasing year on year at a lower rate than the costs of delivering those services.

7.105. The Income and Expenditure (I&E) accounts for the Society from 2018/19 to 2024/25 show an increasing deficit.[39] In 2018/19 the Society received a one-off receipt from the sale of some land which generated a profit on disposal of £8.5M. This was earmarked to cover 4 areas of cost: backlog estates maintenance work; continued genomic research; employer contributions to the defined benefit pension scheme; and the costs of pursuing a land development application. £2.0M of that fund remains as at 31 March 2025.

7.106. The operational losses since 2019/20 are forecast to continue, and it is anticipated that the Epilepsy Society will run out of cash during fiscal year 2029/30, unless it receives a significant cash injection.

7.107. In this scenario the Epilepsy Society would fail the "Going Concern" test during 2027/28. This would prompt the commencement of the closure process with the loss of around 425 jobs across the Epilepsy Society and the wider community of the Chalfont Centre. The closure of the 133-year-old site would mean the loss of at least £100 million that the charity has invested in medical technology and buildings at the site that currently provides diagnosis and treatment for about 4,900 people with epilepsy per year as in-patients and out-patients. It would mean the loss of research facilities that benefit over 1,000 patients per year and drug level and treatment optimization for more than

[39] Mr James POE paragraph 3.1

10,000 people with epilepsy each year through the TDM and the home for 100 people with epilepsy and learning disabilities.

7.108. Although the Society has long expressed a need for additional funds to ensure their solvency (for instance in its representations on the 2019/20 emerging local plan) there is no real connection with the situation in 2005. The entire future of the Society is at stake as things now stand. The cash reserves, which will include calling on all of the Cazenove funds in the next few years, will inevitably dwindle and the Society will be left unable to pay the bills in 2029/30. That would make the Society unable to report it as a Going Concern in 2027/8.

7.109. Expenditure on care is higher than the income from care, due in part to the overheads associated with a partly historic estate with many inefficient buildings.

7.110. It is misleading for other parties to suggest that the prudent management of the cash that the Society does have – i.e. its investment in Cazenove funds which are, on the whole, performing better than putting the money in the bank – is itself a sign that the Society is flush with cash. There is insufficient cash and the Society is doing what it reasonably can to maximise what it has.

7.111. The Society was in financial difficulties in 2005-6 (when the previous appeal was decided) but it sold some land for older persons accommodation, bringing in £8.5M profit. That staved off the impending problem for a few years, but there is no real option to do that again. The business case contains a relatively small (£3.3M) receipt for a land sale but there are no more options and no party to the Inquiry suggests otherwise.

7.112. The Council sought in part to analyse the current financial situation (based on past performance) on various metrics which went well beyond the availability of cash. However, if one focuses on whether the Society is likely to have enough cash to pay off its creditors, then the cash analysis over the past few years is key. There is no question that the Society has expended more than its income over the period that the Council and SENSE have looked at. The trend is downward.

7.113. The Council's complaint was that it could not check the model because it and other information had not been provided, but that level of detail is unnecessary. The Council's witness was more than able to give a view about a number of the key assumptions. Full forensic analysis of the model is unnecessary to understand and accept the main problems facing the Society. The Council allege that the Society has failed to provide enough information, but it did not request this information until the Society had appealed.

7.114. The costs and likely income are relatively straightforward to estimate. It would be imprudent to assume one-off items of income like the sale to Audley or the recent surprise £1M legacy. These have only happened three times in the past fifteen years and none of them were predictable or repeatable. A similar point applies in relation to excluding the fluctuations in pension fund value – it is all committed and it is out of the Society's control; it therefore in real terms irrelevant to the cash flow.

7.115. The Council also allege a number of anomalies, like the spend on genome sequencing work. These are addressed in the appellant's rebuttal evidence.[40] Points about a possible £70M under-estimate of costs, and whether VAT had been properly assessed on the research building, are addressed in the appellant's note to the Inquiry.[41] To some extent, there may be issues of professional judgement involved but the appellant's witness, Mr James is obviously closer to the material than anyone and he maintained his view.

7.116. The way that the financial position of the Society has been reported is in line with guidance, including the way that the Going Concern issue is reported to trustees and does not mean that the Society is in some way fabricating a case that the Society is soon to become insolvent, against a true position where things are fine. If the auditors do not require any warning about events several years ahead (as they did not, here) then it would be absolute folly to publicise the potential future insolvency of the Society: that would clearly have an impact on, for instance, legacies, or just fund raising in general and contribute to the financial woes thus becoming a self-fulfilling prophecy.

7.117. As a result, there is more than sufficient evidence before the Inquiry to substantiate the very real fear and expectation held by the Society that it will become insolvent in 2029/30 without the site's receipt.

Business Case

7.118. The receipt that would flow from the sale of the appeal site with planning permission would be hugely beneficial to the Society in the furtherance of its charitable purposes. It would allow the Society to invest in the Chalfont St. Peter research hub and cutting-edge equipment across research and medical service. These investments would total £93.4M over the first 6 years of the 20 year plan.

7.119. The Society would be enabled by the receipt not just to be financially sound but, as part of that move to financial soundness, to put in place a business plan which would generate more funds over time than those simply needed to stave off insolvency. The business plan has four main components (MRI and TDM equipment, refurbishment of space for them, construction of the Research Building and commissioning and seed-funding eight teams of researchers).

7.120. The facilities at the Society are becoming progressively out of date. The Epilepsy Society wishes to invest in state-of-the-art new equipment that will further its research and treatments for epilepsy. The current MRI scanner is no longer superior to those found in most UK hospitals and is inadequate to provide optimal clinical MRI scanning or pioneering research to generate advances that help people with epilepsy. An investment a £14.5 million to upgrade MRI equipment is required. It would also enable the Society to offer epilepsy specific scans to other epilepsy centres. The Society wishes to take advantage of the opportunity afforded by Magnet Encephalography equipment that would need to take place in a magnetically shielded room and is estimated to cost 2.2 million.

7.121. The Epilepsy Society TDM service tests a range of anti-epileptic drugs. It is proposed to invest £2.9 million to deliver the most up-to-date instrumentation for this unit. At present the current unit processes about 20,000 to 21,000 samples a

[40] Mr James Rebuttal POE
[41] ID27

year. The new equipment would increase this to 57,000 samples a year. The work from this unit provides support for clinical trials.

7.122. The equipment used for genetic research became out of date some years ago and commercial providers are able to supply more advanced and comprehensive genome sequencing. The Society wishes to invest in state-of-the-art sequencing that has the potential to provide genetic discovery into unexplained epilepsies.

7.123. The Society wishes to undertake further research into a number of areas such as bio-banking, the use of artificial intelligence (AI) and the impacts of climate change on epilepsy. In order to pursue this research, the intention is to appoint a number of additional research groups with about 10 researchers each. The initial funding would be from the land receipts; however they would then move on to grant funding.

7.124. There would be a number of benefits arising from this investment. An updated note to the Inquiry stated that epilepsy costs the NHS £2 billion a year.[42] It is estimated that the most acute sufferers (about 210,000) cost £1.6Bn of the total. The appellant contends that with the investment as planned, it can grow to moving 11,650 people with epilepsy each year from a state of uncontrolled seizures to being seizure free. This would be as a result of seeing more people and being more successful in its responses. The appellant's updated figures suggest savings of about £93M for the NHS alone through moving patients to a seizure free state.[43]

7.125. Additionally, epilepsy has significant economic implications in terms of healthcare needs, premature deaths, and lost work productivity. Beyond the direct effects of the seizures themselves, stigma and discrimination surround epilepsy worldwide and require greater advocacy and promotion of understanding of the condition.

7.126. There are also potential benefits for the UK economy where people with epilepsy move off benefits and into employment. A conservative estimate for annual savings from our proposals to the NHS and the wider public sector is £314 - 351 million.

7.127. There is no question that the description given by Professor Sisodiya about the Society's integral role in the tripartite research undertaken at Chalfont should be given full weight. It is wrong to assert that the Society was no more than some buildings and some funding and that UCL was in fact the key player – the reality, for those like the Professor at the cutting edge of epilepsy research, is very different.

7.128. The plan has the benefit of clarity and of the extremely powerful reputation that the work at Chalfont St Peter already has. It is not the risky speculative start up that SENSE perhaps saw it as. The work builds on what is already done and has critical connections to both a large patient group and to the kinds of funding sources that experts in this field are used to accessing, the Wellcome or the Medical Research Council, for instance.

---

[42] ID34 page 2 and CD7.13

[43] ID34 Mr James estimates that the cost to the NHS of treating the most acute 210,000 people with epilepsy is an average of £7,600 per person per annum

7.129. Given the real value of the Society in medical research into epilepsy and in medical treatments through the MRI and TDM equipment it runs and the land use consequences for jobs, growth, Life Sciences and the Chalfont St Peter campus, this factor should be given weight in any event.

7.130. The costs of the business plan were questioned in a number of respects. The source of the VAT relief position on the Research Building has been explained; and the costs of MRI, TDM, refurbishment of buildings and seed-capital for new researchers are not matters of which itemisation and modelling are required.

7.131. As a result, the point made that the net cash inflow from the business plan developments are only 0.2% of the total forecast operational income, can be seen in context. The Society is not-for-profit and the forecast matches income closely to expenditure. Small variations could occur over time, but there is nothing inherent in the percentage relationship which shows the plan to be brittle.

7.132. The Research Building has not been included in the current appealed development – it is a technical building for a very specific purpose which is therefore much harder to submit in outline. The location of the building amid the Grade II Listed Buildings is also a difficulty with submitting an outline application. Whilst the Society is confident given the scale of the building that an acceptable scheme will be produced, the expense of preparing that part of an application should not be underestimated.

7.133. There is some risk attendant on the need for a separate consent, but in regulatory terms that risk is relatively small. The site of the new facilities is within the developed estate, on PDL and grey belt land (given that the red line would not be extensive). Furthermore, there is no requirement to seek the permission of the Charity Commissioners to undertake any aspect of the project. The Society is comfortable with the way that the s.106 tie will fit with the receipt and the overall timings of both the housing development and the R&D project.

7.134. In summary, the business plan was developed by experts in the fields concerned. The costs are reasonable as is the profile of income over time that it would produce. Nothing is certain (one of the reasons why poring over models is a reductive exercise in the end – it is the assumptions that really matter) but the evidence, now tested at the Inquiry, is sufficient to show that the project the Society has developed would indeed achieve its purpose, save it from insolvency and put it on a firm footing, which is something for which all participants at the Inquiry expressed support.

Alternatives

7.135. A number of alternatives were considered and discounted.

7.136. Remaining on the existing site and continuing to operate on the current basis is not sustainable since the Epilepsy Society is forecast to exhaust its cash reserves by 2029/30. Moreover, it would not provide for the enhancement of the Society's research facilities. There is no reasonable prospect of any other funding streams or fundraising improvements that would provide sufficient receipts to enable the continued operation of the charity on its current site beyond 2029/30.

7.137. Reducing the activities of the Society to the bare minimum would require the closure of the care facility and the Society to retrench to a small fundraising

organisation that uses the receipts to fund campaigning and lobbying. However, this would still entail having to close the site, as the cost of running and maintaining it is too great. The option of further belt-tightening, shrinking, or – as Mr Leyland's Meath example appears to indicate – simply closing all or part of the care homes, are not realistic options either. There is no ready cut that can be made – the estate cannot be suddenly modernised, nor can the staff be paid less or the care homes (filled with very serious sufferers of epilepsy and housed there by the local authority at some cost, often for many years) shut.

7.138. The relocation of the Epilepsy Society facilities was also considered. This raises human, financial and practical concerns. The costs associated with such a relocation (over £100m) would far exceed the receipts that could be expected from the sale of existing estate (estimated at £26m). The high cost of relocation as set out in the business case.

7.139. The Council complained that the workings of the cost of relocation and value of the estate that would be realised by moving from Chalfont St Peter were not all set out, which is true. However, they are professional assessments that the Society has had carried out and the main point is that they are clearly going to be an order of magnitude apart. It would be unaffordable to move. The result would effectively end most of the charity's services and break the current links with the co-located NHS epilepsy services. There would also be impacts on those currently resident on the site.

7.140. A series of alternative site options were assessed within the Planning Statement. These include relocation to UCLH campus, sites allocated within the Vale of Aylesbury Local Plan, and sites within a reasonable distance of the Society's existing network (see paragraph 5.22 below) and available on the open market. There are no suitable and available alternative sites.

7.141. Achieving the Society's purpose is reliant on retaining and attracting leading epilepsy and neurological researchers. These researchers have specific skills which are heavily sought-after. Chalfont St Peter, its location close to London and Heathrow airport and local facilities, which include highly sought-after state grammar schools, are some of the most important factors in attracting researchers to this location.

7.142. The sale of further PDL land within the estate is no longer a viable way forward.

7.143. Finally, making an effort on fundraising is within the business plan and the Society is trying its best. The fund-raising environment to pay for general overheads is extremely difficult. The Society is sincere in its belief that the current option is the only realistic alternative open to it.

7.144. It was suggested that the Intellectual Property rights of research could be used to generate cash, however, the Society's work, bound up with UCL, is not used for profit; research findings are open-source and for global benefit and their monetisation is not a source of funds available to the Society.

7.145. It was questioned whether the MRI and TDM machinery could be purchased and installed on the existing site and thereby lead to an income stream that could itself save the Society or at least tide it over. There is fundamental problem with this idea. There is a substantial lead time associated with these new machines which relates not just to their commissioning and manufacture but of the

refurbishment of space, reallocation of facilities and recruitment of staff to make best use of the new machinery. That is not realistic in the timescale available before the Society becomes insolvent.

The Section 106 'Tie'

7.146. The Society would benefit in any event from the sale of the land– it has to use any receipts for its charitable purposes which are highly valuable and include world-leading medical and research activities in partnership with UCL with clear land use consequences in terms of Life Sciences and the Chalfont St Peter campus.

7.147. The s.106 obligations need to embody this arrangement in a way that accords with (a) the terms of s.106 itself, and (b) the terms of s.122 of the Community Infrastructure Levy (CIL) Regulations 2010 as amended ("the CIL Regs"). The section 106 agreement draft at Schedule 9 sets out a tie between the receipt from the sale of the appeal site with permission for the development, and the Society's project.

7.148. The tie needs to relate to a restriction on the land (ie in this case the appeal site), in order to fall within the statutory provisions. It is related to planning in the more general sense, because it deals with what can be carried out on the appeal site, in the Green Belt and how it relates to beneficial development and change on the Chalfont St Peter site, with direct consequences for the Society and the place. If the Society fails then the historic relationship with Chalfont St Peter will end, as will 400 jobs and other economic and reputational benefits. The obligation is therefore most definitely related to land use and planning.

7.149. As to the CIL Regs, reg 122 requires any obligation, including those like the proposed tie in Schedule 9, to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.150. The s.106 tie in Schedule 9 would comply with those requirements: it would be necessary, in order to secure the connection which is part of the VSC justification for the scheme, ie part of what makes it acceptable in planning policy terms; be directly related to the development because it would impose restrictions directly on the way that the development is to be carried out; and because it is the way that the development's direct relationship with the funding and carrying out of the Society's scheme is managed; and it would be reasonably related in scale and kind because it relates to a scheme which has been calibrated in terms of scale to relate directly to the receipt needed for the scheme tied to it by the obligation.

7.151. The detail of the drafting would either result in an agreed component of the s.106 agreement or in a unilateral undertaking. However, as envisaged, the above propositions would be correct legally: they are similar to the way the financial contribution was considered in *R(Thakeham Village Action) v Horsham DC*.[44] There the Court found that the idea of enabling development was a wide one; that not all enabled development had to be within the same application or site; that a related development might be taken into account in drafting a s.106 with a financial contribution in it benefiting a related site and development; that

[44][2014] EWHC 67 at [194] to [223].

would be more so if there was a practical linkage between the two; and as long as the s.106 restricted development A so that the delivery of development B was carried in a timely way. In terms of the basic approach to whether the s.106 tie complies with the three tests in CIL reg 122, the case is of some assistance.

JOBS AND THE ECONOMY

7.152. The economic and jobs benefits of the development are largely uncontested. The Council gives significant weight to the economic benefits of the scheme essentially for the reasons set out by the appellant's planning witness. There would be economic growth and jobs created locally at the construction and operational stages of the scheme: £32-35m GVA, 102 direct and indirect full time equivalent jobs. Unsurprisingly for a scheme of this size, these are considerable benefits that weigh in favour permission.[45]

7.153. The Council's own Growth Strategy is clear that the Society's operation at Chalfont St Peter is world leading, and part of the specialisms and strengths that the Council claims for itself in this area.[46] Its strategic priorities include supporting growth in research and development, which is exactly what the research team under Professor Sisodiya do now and what they would be enabled to do on a much greater scale with their project in place. The Government's Life Sciences priorities, part of the Industrial Strategy, simply add further weight to this point and explain why this kind of outcome is one which planning decisions should enable rather than restrict.

7.154. The saving that the Society's project would give rise to – both for the NHS and the wider economy is contested. Mr James has given an updated version with source material in his recent note, to which the Council may respond. The new numbers with inflation adjustments come to savings of some £93M for the NHS alone through moving patients to a seizure free state. Frankly even half that amount would be a very significant benefit. The other savings, from addressing wider issues of lost work and productivity including within the same family, are more difficult to pin down, but some weight should be given to those as well. Again, this should be unsurprising – when the effect of the scheme would be to retain and boost an operation like that at Chalfont St Peter, which beneficially affects so many lives, one would expect this scale of beneficial economic spin off.

HOUSING AND SUSTAINABLE DEVELOPMENT

7.155. A number of things have conspired to create the current housing supply situation, by no means all the fault of the Council. But the upshot is that the housing needs must be given cumulatively very substantial weight.

7.156. To add to the market housing benefit is the affordable housing benefit: 487 units, an undreamt-of number in the local (former Chiltern) area. They are desperately needed and needed here, not (as some suggested) just in the North of England. Actually, the combination of addressing crippling unaffordability in this part of the country and the benefits of introducing a more mixed and balanced community are greater in this part of the country. The older persons'

[45] Ms McDade POE paragraph 5.28
[46] ID24

specialist need is also significant and lies somewhere between the Council's(adjusted) figure of 1,300 and the appellant's figure of 1,700.

7.157. Housing would begin to be delivered in the third year after outline permission. It can generate more per year under two flags, which is the intention; the new local plan is unlikely even to be adopted by then, let alone yielding permissions or – even less likely – actual homes. The scale of the need and its urgency are therefore palpable. Both the Council and the appellant attach substantial weight to all three of the housing benefits – cumulatively, their importance dwarfs any other point in the appeal.

7.158. The sustainable development benefits of BNG and transport have been noted above. There would be an important benefit to the Parish Council also if permission is granted: they would receive £200,000 towards works at the well-used but tired community centre in Chalfont St Peter (which would save the same amount of money to be used in relation to their priority skatepark next door); more to the point, the Parish Council would receive over £3M of the CIL payable on the development .

EQUALITIES ACT 2010

7.159. The Inspector and SoS will have to have due regard to any Public Sector Equality Duty points, but no substantive points against the scheme have been made. The nearest any comment came was the reference to SEN children and the playing fields.

7.160. It is right to note that the effects on the protected groups of (a) elderly persons and (b) those with limited financial means would both be significant and beneficial, due to the measure of the relief that the development would bring to the serious shortfalls of provision in this part of the country.

CONCLUSIONS

7.161. The development is contrary to the adopted local plan in hierarchy, settlement pattern and landscape terms although since there are VSC, not to its Green Belt policies. However, the weight to that non-compliance is very much reduced due to how out of date the plan is.

7.162. The VSC test is about whether the circumstances, taken as a whole, clearly outweigh the harms. Here they do, because the Green Belt harm, important as it is, relates to a boundary which was to be materially varied in 2019-20 and was established long before the housing needs in this area rose to such overpowering levels.

7.163. Green Belt is a development constraint policy, not an environmental one. Therefore the huge pressing need for housing development is not, as it were, an alien comparator which has nothing to do with where development should go and where it should not. On the contrary, meeting housing needs can constitute both exceptional circumstances and VSC. This is a signal example of where they do.

7.164. It may be hard for a Local Planning Authority to have to face up to the staggering levels of housing need that are now causing many, many life chances in Bucks to be harmed. It is even harder for them to face the way that decisions like this are necessary if we as a country have even the faintest hope of building

1.5 million homes in the next few years. We are here at the very least to meet some of the Government's national priority need, which in Bucks has increased to very serious levels. Those needs, the Government has made it unmistakably clear, must be met. That is why we are here.

7.165. But of course, there is more to it than housing. This is a case where the development would have an important benefit for the Society and those whose lives are changed by it, as well as for Life Sciences as a national endeavour and Bucks' economy more locally. These benefits (and the housing benefits) are not suggested to be capable of being met on particular alternative site or sites. The development plan is years away from playing its part in meeting housing needs which are already at an extraordinarily high level. The Council state that relatively few of the 975 homes will be built by it hopes its plan will be adopted. But the plan can be given no weight in this appeal. We cannot wait to meet these needs.

7.166. The benefits would come at the cost of some Green Belt harm, as I have said; and landscape harm, which whilst substantial, relates to ordinary landscape in a localised and circumscribed way. The Framework balance is therefore clearly, decisively, in favour of meeting the needs and giving rise to the benefits.

7.167. For these reasons the Society respectfully requests that the development is recommended for approval and that the appeal is allowed.

8. THE CASE FOR BUCKINGHAMSHIRE COUNCIL

[This summary of the case for Buckinghamshire Council is based on the closing submissions, the proofs of evidence and other submissions to the Inquiry]

8.1. The question for this Inquiry is whether the harms of the development, including harms to the Green Belt, are clearly outweighed by other considerations so as to amount to VSC.

GREEN BELT

8.2. The Government attaches great importance to Green Belts. At decision-taking stage circumstances need to be very special. Green Belt policy is recognised in the Framework as one of the "*policies…that protect areas of assets of particular importance*". The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. While the Government introduced changes to the Framework in 2024 (such as the explicit acknowledgement that meeting housing need can be an exceptional circumstance at plan making stage, or the new grey belt concept) it has not demurred from these fundamental founding and guiding principles. The key features of the Green Belt are openness and permanence. Openness is commonly said to be the absence of built development. It has spatial and visual dimensions.

8.3. The appeal site is a very large parcel of land, which strongly contributes to Green Belt purpose a) and c) and contributes moderately to purpose b). A large parcel of land containing the appeal site was considered as part of the process leading to the withdrawn Regulation 19 Local Plan (Parcel RSA-12), but the process resulted in the much smaller Parcel 1.10A being recommended for release.

8.4. There would be significant additional built form and activity impacts, resulting in substantial harm to the spatial elements of openness of the Green Belt.

8.5. The appellant indicated that there is some element of built form on site already. That is true, but it is minimal (c. 8,000m2 in area) and insofar as that is appropriate development it is not a harmful element of the Green Belt baseline.

8.6. The appellant sought to contextualise this harm by indicating that the site adjoined an existing built-up area. The appeal site is not adjoined by built development on all, or even the majority, of its perimeter. The entire Green Belt in this area tightly joins built up areas. That is unsurprising as its goal is to restrict development.

8.7. On the visual elements, the appellant's planning and landscape witnesses assert it is moderate, but the Council finds it to be substantial. The appellant's landscape witness was unable to provide any detailed analysis of his visual impacts. He referred back to his analysis in the Landscape and Visual elements of his proof. However, assessing openness in Green Belt terms, and assessing visual impacts in LVIA terms, are distinct disciplines looking at distinct matters.

8.8. The appellant sought to average out the harm. Insofar as the fields now are open and will remain open, in Green Belt terms there is no change. The appellant seeks to rely on the development complementing the existing local character typified by the approach to the various landscape treatments. This conflated a character analysis with an openness analysis.

8.9. Insofar as greenfield open land is being built upon, obviously that is the largest element of change to openness. The Site is vast, as is the new built development area. It contains a nexus of well-travelled PROW. The impacts on openness will be felt keenly therefore by the many users of those footpaths.

8.10. The appellant's analysis relies heavily on reinforcing the landscape features. Insofar as views are already blocked by the landscape features, reinforcing them makes no difference. Insofar as one can see through those features already to

the absence of built development beyond, then it undermines the suggestion the site or development area are highly self-contained and the reinforcement of landscape features is in fact truncating those views and is still harmful to openness.

8.11. All witnesses agree that the overall harm to the openness of the Green Belt is substantial, the highest it could possibly be. Substantial harm to openness and purposes of the Green Belt falls to be weighed in the VSC balance.

8.12. The Council agrees that it is likely that the Chiltern area housing need could not be met without building on Green Belt land, but this needs to be put in a context where the Council is in transition from its legacy areas to its entire area. While the former Chiltern and South Bucks Districts are heavily restricted by Green Belt, former Wycombe and Aylesbury Vale Districts are less so.

8.13. Any local plan process would inevitably need to go through the sequencing at paragraph 148 of the Framework, namely PDL, grey belt, then Green Belt. Even if Green Belt is needed, it does not follow that the amount and areas to be released will be strongly performing areas which would lead to substantial harm. This is an entirely sensible matter to consider if one is concerned with protecting openness and permanence.

8.14. The appellant has provided no alternative sites assessment. Instead reliance was placed on the fact that the need for housing could not be disaggregated from the Epilepsy Society's plan. While the appellant's planning witness made a point about the Council's brownfield land register, as became clear she was looking at whole brownfield sites above 10ha, rather than at sites with a greater proportion or volume of brownfield land than the appeal site.

8.15. While the need to meet housing needs can constitute an exceptional circumstance (Framework paragraph 146), that needs to be viewed in a context where the exceptional circumstances test is less demanding than the VSC test and an authority will have to progress through the sequencing (PDL-grey belt-Green Belt) in order to show exceptional circumstances.

8.16. When all of this is taken into account, the Council submits, that the harm to the Green Belt should weigh in the balance at the very top of the scale.

LANDSCAPE

8.17. The parameter plans and Design Code are for approval, whereas the illustrative plan is not. The Council has assessed character and visual impacts against both the parameter plans and the illustrative masterplan. There is a largely agreed baseline for landscape character, however, the Alison Farmer assessment also provides a helpful understanding of the baseline character.[47]

8.18. The adverse impact on the Site or Arable/Pastoral land is major adverse, rather than moderate adverse. While the appellant's witness wishes to average out the impact on his three subdivisions, as the Council's witness notes the majority of the Site is going to fundamentally change its character from good

[47] CD12.4

quality landscape in good condition to an urban feature, which can only have knock on effects for the remainder of the Site.

8.19. Going wider, to LCA 22.2 (Mixed Use Terrace), when judging against the parameter plans there is agreement that the effect is major adverse. UCZ13 (Chalfont Colony) is accepted to have a major adverse impact.

8.20. A more fundamental disagreement occurs for the Colne Valley LCA – Heronsgate / Chalfont Farmland. There is a marked similarity between this receptor and LCA 22.2, so it makes sense the impact should be broadly comparable. Overall, there are substantial impacts on landscape character.

Setting of the National Landscape

8.21. As there is a significant adverse impact on the landscape exactly adjacent to the National Landscape, it is reasonable to suggest a low impact on the setting of the National Landscape itself.

Colne Valley Regional Park

8.22. What is important for the CVRP is protection of the Countryside. The site covers the edge of the CVRP and will inevitably have a detrimental impact on it and that element.

Visual Impacts

8.23. Of the 12 groupings of viewpoints, 11 suffer some adverse impacts, and 4 suffer major adverse impacts at year 15. Although these views are grouped, some of these groupings – particularly those representing PRoWs – contain multiple viewpoints representing the journeys of sensitive receptors along those routes. They indicate, therefore a longer period of greater exposure to the changes than, for example, some of the other views the appellant considers to have only negligible impacts (see e.g. VP2 and 3).

8.24. The Council contends that the development will be visible from the new VP A B and C.[48]

8.25. Turning to VP13 (Audley Dene), based on the plans being considered now, that there will be a change in the context of the views from this receptor, from views of the open countryside to views of substantial built form.

8.26. PRoW CSP/9/6 and 9/1 (VP 2, 3, 4, 5, 18 and 20): the appellant relies on layers of structural planting to mitigate the Year 1 major adverse affect. However, there will nevertheless be a change from a remote, natural setting to one with evident urban development.

8.27. Views from Rickmansworth Lane (VP 7 and 9): there is a distinction here depending on whether one is walking north or south. However, there would be a change in the experience of the gateway into the village, with the rural landscape being partly eroded by development.

8.28. In relation to the Garden Centre (VP2): at present there is no perception of urban development. The current village is recessive. However, the edge will be

[48] Ms Sechi POE 8.2.32 – 8.3.2.35 & Appendix 3

pushed closer to the viewer, leading to a change for those using the footpath and Garden Centre Cafe. Remote undeveloped countryside will change to urban development partially screened by planting.

8.29. In relation to the Model Farm (VP3), there is the introduction of new urban development into a view where there is little to no urban development as part of the character.

8.30. Overall, therefore, of the 13 groups (taking into account the Council's VP A B and C), when judged against the parameter plans, 12 will suffer some harm, with more than half (7) suffering major harm.

8.31. For the reasons outlined above, the Council's evidence should be preferred. The harm to character and visual impact should be afforded substantial weight (top of the scale) to both Character and Visual impact.

HERITAGE

8.32. It is agreed that there is less than substantial harm to the Grade II listed Passmore Edwards House, Pearman House, Milton House, Ashwell's Farmhouse and Ashwell's Barn (the last two at the lower level of less than substantial harm), the potential total loss of two NDHAs within the appeal site (Debenham House and Skippings Farmhouse), and potential impacts to four more NDHAs (Horn Hill Village Hall, Newland Park, Gardens and Shrub's Wood and Milestone on A413).

8.33. The protection of our designated heritage warrants a policy directive in the Framework to award great weight to the asset's conservation (with the more important the asset, the greater the weight should be. Indeed, "*any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification*" (Framework paragraph 213). Here, for the reasons set out, there simply has not been clear and convincing justification for the harm to these assets.

8.34. For NDHA's a balanced judgment is required having regard to the scale of any harm or loss and the significance of the asset (Framework paragraph 216). Here the possibility is for total loss – equivalent to substantial harm. Accordingly, the Council's assessment of great weight to this harm is justified.

FLOODING

8.35. The appellant is required to do a sequential test, because it has not provided a site-specific Flood Risk Assessment(FRA) which demonstrates either that no vulnerable elements would be located in a flood risk area (Framework paragraph 175) or that the occupiers and users would remain safe for the lifetime of the development. The FRA used outdated flood risk mapping, parameter plans which currently contain vulnerable built development in the flood risk areas.

8.36. The FRA relies on 2015 mapping and does not include updated hydraulic modelling to verify the flow path's extent, hazard rating, or safe conveyance. The LLFA advises that "*The ability to accommodate the flow route safely within the masterplan remains uncertain without site-specific hydraulic modelling. The illustrative layout includes built development within the flow corridor, and no evidence has been provided to demonstrate that this can be safely realigned or*

mitigated."[49] No alternative illustrative layouts are before the Inquiry, nor have they been submitted to the Council / LLFA for consideration.

8.37. The appellant maintains an argument that it does not have to do a sequential test because it needs the funds generated from the development. Ownership is not relevant to the need to conduct a sequential test.

Issues with the Sequential Test

8.38. The purpose of the sequential approach is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas of higher risk.

8.39. The sequential test has not been satisfactorily carried out and fails to demonstrate that there are no alternative sites with lower risk of flooding and cannot be considered satisfied.

8.40. The Council has four main concerns:

i) There is no compelling justification for not adopting a wider local authority level search area given the large scale of development proposed.

ii) The site area criterion is flawed in that a 25% buffer is applied to the 76ha redline site area, yet the developed part of the site is 46ha in area.

iii) The criterion that a site is not sequentially preferable if it has planning policy constraints, such as the Green Belt, is flawed as no comparative assessment is made e.g. the impact on the Green Belt.

iv) It fails to assess smaller sites yet in reference to the PPG paragraph 028 it is considered that the development could reasonably be accommodated on multiple sites.

SPORT

8.41. While the Council acknowledge that there is an increase in quantity of sports pitch provision, that is only facilitated by the school, which may lead to issues in usage as between the school and wider community – as noted by Sport England.

8.42. However, notwithstanding the increase in quantity, the development fails to provide an increase in quality, for the reasons set out by Sport England. As the statutory consultee their views must carry considerable weight from which cogent and compelling reasons are required to depart. Those reasons have not been provided by the appellant. They were limited to points of pure disagreement, the wholly unevidenced suggestion Sport England might not like outline permissions generally, and the suggestion that Sport England might not know sports users can cross roads. Accordingly, the development would result in harm to the sports pitch provision in the area which, when set off against the quantity, should be given limited weight.

8.43. The proposal would also result in the loss of a small portion (4ha) of BMV land, which also weighs in the balance to a limited extent.

[49] CD7.2 and ID23

SUMMARY

8.44. Overall, therefore, there is harm to the Green Belt (attracting substantial weight), harm to character and appearance (attracting substantial weight), harm to the Chilterns National Landscape setting (attracting moderate weight), heritage harm (attracting great weight), flood risk/sequential test failure (attracting moderate weight), a loss of BMV land (attracting limited weight) and a reduction in the sports pitch quality (again attracting limited weight).

EPILEPSY SOCIETY'S NEED CASE

8.45. The Council has been clear that it would withdraw the point if the appellant's documentation proved its case. The case could have been reviewed an independent third party, expert witness, or supported by some sort of scrutiny, or confirmation from the Charity Commission.

8.46. The appellant submitted a high-level document (the business case), supplemented by a relatively high-level set of proofs, and a flurry of notes late in the day after evidence. Each of the documents sought by the Council is relevant and would have allowed the case to be properly tested.

8.47. The appellant contends that what has been provided is enough. It is not appropriate in the context of EIA development. This must also be viewed in the context of a complete absence of rigour that has infected the appellant's wider case.

8.48. The Council's independent expert identified some key difficulties. These included:

(1) It being impossible to properly track through how the Business as Usual (BAU) income and expenditure has increased, as the numbers used are not easily correlated with the assumptions made. For example, the % income increase is 9% from 25-26, 1% from 26-27, 3% from 27-28, and 28-29, 0% from 29-30, and 3% from 30-31. The expenditure increase is similarly up and down. But, for example, there is a 3% increase from 28-29 (notwithstanding that being the year the appellant indicates the MRI machine will stop making an income), and then 0% from 29-30.

(2) It being impossible to properly compare the various figures cited by the appellant. To take one example, the Business Case assumes estate maintenance costs of £510,000 per year, however the appellant's business case witness and the CEO say the cost is over £1 million. When queried, Mr James said they take into account different things. This cannot be checked.

(3) It is impossible to compare the similarity of assumptions between the BAU and expansion worlds. For example, a year-on-year income and cost breakdown is provided for the expansion world, but there is no equivalent for the BAU world. Thus, for example, while we know what the anticipated care income and cost assumptions are in financial year (FY)2026 in the expansion world there is no way of comparing that to the BAU world.

8.49. All the Council can do is take a heavily caveated view based on the available information. The Council's primary position is that the Inspector and SoS should treat the Business Case as entirely unreliable and give it no weight. In circumstances where every single incentive was for the documentation to be disclosed, and it still was not, the only sensible inference is that there is something contained within it that the appellant does not want us to find. That would effectively end the "Need" element of the appellant's VSC case.

The distinction between sustainability and expansion.

8.50. The Council separates out the issues of sustainability and expansion. The distinction is crucial, as those considerations appear in the planning system in different ways and it is essential to a proper and clear understanding of the VSC case and the basis on which the Inspector, and the SoS are being asked to authorise the development with all its attendant harms.

Solvency

8.51. It is trite law that the planning system is generally concerned with the development and use of land, not the particular purposes of particular occupiers. There have been some exceptions for the circumstances of individuals, where the human factor has been taken into account, but such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in special cases.

8.52. Even if the purpose and solvency of a particular promoter was relevant, that is usually only of minimal weight. The appellant relies on its objective to eradicate epilepsy, its combination of medical clinical research and care, and its global reach, and also the fact it is a charity and the broad umbrella of the fact it does some social good.

8.53. The corporate form of being a charity does not provide a basis for special treatment. The fact that the appellant provides a social good, whilst laudable, does not indicate greater weight should be given to it, as an occupier, in the planning system. Ordinary developers provide social goods, such as housing, affordable housing, employment, care, and economic growth. The Epilepsy Society cannot rely on its own personal financial circumstances as a reason to grant an otherwise unacceptable permission.

8.54. Turning to the global reach point, again the Society is not the only entity which has a global reach. Financial circumstances are not given priority in the planning system. As to the appellant's combination of medical, clinical research and care work – various entities provide each of those. Hospitals provide medical and clinical work. Care home providers provide care. Universities provide research. While there may be permitted development rights and policies for particular uses, and no case is there any indication those entities are, or would be, able to rely on their own financial predicament or management as a reason for an otherwise unacceptable permission to be granted.

8.55. Moreover, the evidence not only does not support the appellant's case, but positively indicates that practical and practicable obvious alternative measures could have been considered, but never have been. The Epilepsy Society was in a net current asset position in each year during the Relevant Period, with net

current assets of between £18.1m and £5.6m. The Society had significant surplus cash during the Relevant Period, such that it invested a total of £8.0m in investment funds in FY23 and FY24.

8.56. The appellant does not need the full £93m to maintain sustainability. Its sustainability comes from its investment in the MRI and TDM machines, and the significant profit it intends to make from those (c. £46m from the MRI and £14m from the TDM). They are not to be placed in the research labs, but in renovated existing estate. The cost of the machines and refurbishment comes to some £30m. Even making an allowance for increased staff to run those new services and increased utilities, the costs sustainability requires will not come to £93m. A £40m profit would give an additional £2m per year, eradicating most years' financial losses in the FY25/26-FY30/31 BAU projection and ensuring the Society is not in fact, out of its cash reserves in FY29/30.

8.57. The appellant has not considered alternatives in order to obtain these sustainability proposals. Even aside from land development, it has never considered financing them by way of a loan. While that would, obviously, come with an additional repayment cost, whether this is feasible has never been considered. The appellant has never considered leasing the equipment (a suggestion put forward by SENSE). The appellant appears not to have considered seeking to purchase the equipment via fundraising drives or grant funding, notwithstanding the fact that they have had considerable success with this in the past.

8.58. The need to raise c. £30m obviously lends itself to the release of a smaller parcel of land, as the appellant's planning witness acknowledged. In terms of the size of the lower land take, there is a ready-made starting point already in Site Allocation BP7 in the withdrawn local plan, or the (slightly larger) Area 1.10A. This of course would have some flexibility, such as expanding to include all the expanded PDL land on Skippings Farm. While the Society claims that will not be enough to meet its needs (points it made into the Local Plan examination) it cannot possibly prove that because it has never engaged with only remaining sustainable. Sustainability and expansion are different.

8.59. What is said against this is that it's a question of timing and lead times. It is far too late to put those sustainability measures in the required time. Also, it is said that the Council has not suggested this before. However:

- The burden is on the appellant to ascertain alternatives.
- This failure to consider alternatives has persisted since 2019. The alternative is obvious. It should have been considered. The Society's unwillingness to do so, and its resolute determination to tie this matter to the expansion case, is a failure at least in part of its own making.
- The fact that this might be an alternative only became clear once the appellant was slightly clearer about its plans, through appending the Gardner + Theobold report to its rebuttal evidence.
- The longest lead time is for the MRI scanner. Therefore, the lead times for TDM are shorter. Moreover, if the Society has a clear plan in place

and a route back to recovery, it is hard to see how they can possibly then be under an obligation to begin winding up operations in 2027.

8.60. The appellant appears never to have considered additional sources of income – such as whether its research can be monetised. Given the significant sums the appellant indicates Epilepsy costs to the NHS, public sector and economy, at a very high level it is difficult to see how there could not be a valuable market.

8.61. The appellant's unevidenced BAU projections are inherently unreliable. In a 'no scheme' world the appellant assumes the Society could not provide for any further land sales. Thus, the Society is assuming it will not be able to turn one of its major assets into cash. The appellant itself assumes a further land sale in the expansion case obtaining £3.3m. The appellant owns a large swathe of land a proportion of which would retain development value.

8.62. It was suggested that the fact the appellant had sold parcels in the past indicated it must have considered this approach. The fatal stumbling block for that suggestion is that the appellant is unable to disentangle sustainability from expansion. The Inspector and SoS can have no faith that any analysis they undertook was not subject to their misplaced assumption that they needed to make £93m.

8.63. Fundraising is already back to pre-COVID levels. Mr James assumed a Compound Annual Growth Rate (CAGR) of about 3.1% for fund raising, arguing that reflects the growth rate achieved in recent history of 2.9%. But that historic growth rate starts in the COVID era. If it begins instead in 2019 or 2020, the pre-COVID era, the CAGR is much higher – c. 5% even if the £1m donation in FY 24/25 is excluded. If you do adopt his preferred period, but do not nuance the income levels as Mr James would like to exclude grants and large donations, the CAGR is 7.1%.

8.64. The Society set its own fundraising Return On Investment Key Performance Indicators and met them in every year from 2019 - 2023. In 2024 they stopped reporting it. Restricted funds can be a very minor component of the Society's income and assets. Moreover, the appellant's published accounts are in fact reporting an expectation of increased income from the passing of the Boomer generation.

8.65. Mr James' unevidenced assumptions did not appear to be shared by his colleagues. He has assumed the MRI would stop generating profit in 28/29, which was not a point shared by Professor Sisodiya, the Director of Transformation. Mr James attempt to explain this by reference to the timing windows (alleging Professor Sisodiya had been asked about 2-3 years) is (a) wrong and (b) not an answer, as 3 years from late 2025 is in the middle of FY 28/29.

8.66. The only element preventing care being a profitable element is not, in fact, the cost of providing the care itself, but of the appellant's central overheads (for which the Commissioners refuse to pay). As the appellant has not explored a smaller area of land release, focused on sustainability rather than its larger expansion plans, there is no indication that a smaller area could not also help mitigate the appellant's central overhead costs. Logically, it must do, as the appellant would be able to dispose of elements of its site which it maintains are a cost, such as the Skippings Farm buildings.

8.67. Even if the appellant's insolvency case is weighed in the VSC balance, it can only be given the smallest possible amount of weight (or indeed none at all).

8.68. The appellant had an obligation to engage with and show alternatives. This was the view of the 2005 Inspector. Even if this appeal fails inevitably a proportion of the appeal site would retain development value. Even if the SoS were satisfied that insolvency is a real risk, as noted above that is not overly material or weighty in the land use system.

8.69. The real crossover benefits on which the society rely comes from the co-location of research and clinical facilities, alongside good employees. That can be replicated elsewhere. The land use designation of the site can continue, in its current or similar forms. It remains a site with mixed use for care and research, next to an important UCL outpost, accessible from London. It also could be demolished and rebuilt.

8.70. While UCL and UCLH have provided letters of support, they do not suggest any adverse consequences if the Society goes insolvent. The UCL letter focuses on the benefit of expansion but does not indicate any detriment if permission is not granted. Accordingly, and overall, the insolvency case is either only of marginal relevance (insofar as it affects the land use implications on site) or of only no, or minimal, weight.

Expansion

8.71. The Society's expansion case is in itself not legally material or relevant to the application before the Inspector and SoS. This turns on the application of three legal principles.

8.72. The first issue is that the Society's expansion case is in itself not legally material or relevant to the application before the Inspector and SoS. This turns on the application of three legal principles.

8.73. Material considerations prevent planning permissions being bought and sold.[50] It is accepted that, where there are composite or related developments (related in the sense that they "*can and should properly be considered in combination*"[51]), a decision-maker may balance the desirable financial consequences for one part of the scheme against the undesirable aspects of another. The principles were summarised by the House of Lords in *Tesco Stores Ltd v SSE* [1995] 1 WLR 759 at 770.[52]

8.74. It is the "in combination" element that is crucial for this case. Otherwise, you do not have the "composite development" and there is no relation between the off-site benefits and the enabling development. In no case or appeal decision before this Inquiry has the enabled development been brought forward separately from the enabling development.

8.75. Secondly, the scope of s. 106(1)(a)-(c) is limited to the land to which the obligation attaches.[53] So, for example, the land to be restricted or used in

[50] See e.g. *R (Wright) v Resilient Energy Severndale Ltd* [2019] UKSC 53 at §39-44.
[51] CD7.33 at §58
[52] Cited in *Thakeham* at §168 and CD7.33 *Sainsbury's Supermarkets.*
[53] Planning Encyclopaedia P106.17

s.106(1)(a) mean the land in which the person making the obligation is interested, and must control the use of the land itself not merely control a party to the agreement; see. (Khodari) v RBKC [2017] EWCA Civ 333 at §31-37. So, for example, a freestanding obligation to contribute to infrastructure unconnected with a development would not fall within s.106(1) as it does not restrict or regulate the development or use of the site: see R Aberdeen v Elsick [2017] PTSR 1413 at §43.[54]

8.76. Thirdly, a planning obligation can only constitute a reason for granting planning permission for a development if it complies with the CIL Regulation 122 tests.

8.77. When considered in the context of CIL Reg. 122 the appellant's expansion case is legally immaterial. First, it fails the ordinary "enabling development" test for material considerations because the enabling and enabled developments have not been bought forward at the same time, so cannot be, and are not being, considered "in combination". That is a deliberate choice on the part of the Society, but it places them on the wrong side of the legal principle.

8.78. The Inspector and SoS do not have the enabled development before them and cannot, therefore, realistically form a view on whether it would be acceptable in planning terms, or conduct a s. 38(6) PCPA exercise. It also means that the financial viability issues of that enabled development are not, actually, matters before the Inspector and SoS.

8.79. Bearing in mind that the enabled development, and the receipts required for it, have been the key driver of the appellant's case and this application, it is not possible to check whether they really need all £93m claimed, and to check the correlation between the land use, and the sums. At least £35m of the £93m is for a new building. The Inspector is simply not in a position to check whether the harm is justified by the good.

8.80. The enabled development may well still change. In this case we know that the proposed therapy centre was dropped in order to allow this development to meet the Golden Rules bonus rate. That isn't a requirement of policy, and there is no penalty for not complying with Framework paragraph 158. It is, to that extent, a "bonus". In short, the enabled development is subject to variation to facilitate the enabling development. The enabled development is not legally fixed.

8.81. The enabled development may still not come forward due to planning constraints or Charity Commission restraints. As to the former, only the highest level indications through the pre-app response is available. As to the latter, the Inspector has no information at all. We know there are limitations on what a charity may do when it comes to its own permanently endowed land, but the appellant has failed to engage at all with the Commission's requirements for this and there is no evidence at all on which to find this is not a barrier to the project. The appellant said if there was an issue then some other project, in line with the charitable purposes, would come forward. But that is not what the Inspector or SoS is being asked to enable.

[54] Council's closing submissions paragraph 77

8.82. In those circumstances – i.e. that the appellant has put itself on the wrong side of the legal test – it does not really matter why the enabled development was not bought forward at the same time. However, and for fullness sake, none of the reasons put forward (expenditure, distracting from day-to-day activities, and difficulties in developing the application) are good reasons.

8.83. In light of the foregoing, even if the Council is wrong that the enabled development is not a material consideration, it can only carry negligible weight.

8.84. There are three issues arising from the s. 106 Schedule 9 provisions as drafted and debated. As drafted and debated, the issues are[55]:

8.85. The s. 106 currently only binds the appeal site, not the wider appellant's land. However, the provisions of Schedule 9 are not restricting the development or use of the appeal site, requiring operations to be carried out in on or under the appeal site, or requiring the appeal site to be used in any way. The obligations in Schedule 9 therefore are not obligations within the meaning of s. 106(1)(a)-(c). Nor does Schedule 9 require a payment of money for s. 106(1)(d). To avoid this the s. 106 obligation would need to apply to the wider Epilepsy Society site.

8.86. In any event, and assuming the agreement were redrafted to bind the wider landholding, the Schedule. 9 obligation seeks to control what the appellant does with the money raised from selling the appeal site. It does not restrict the development or use of the appellant's land or require specified operations to be carried on over it, or require it to be used in a certain way. Were the Council to try and enforce it, all it could obtain would be an order requiring the moneys to be applied to the defined purpose. It could not obtain an order requiring the appellant's wider expansion proposal to be built. Again therefore it does not satisfy the requirements of s. 106(1).

8.87. An additional subs-set of the issue about binding the land, the appellant's intention is to sell the appeal site to a developer. The s. 106 would not be enforceable against the appellant once it had disposed of that interest. So Schedule 9 would be enforceable only against the landowning developer (who would not have the money it just sold to the appellant) and not the appellant itself (which would have the money but not be a landowner).

8.88. The appellant has not put forward any case that Schedule 9 is CIL Reg. 122 compliant. That is fatal to any suggestion that the appellant may now run in closing submissions that in fact the Reg 122 test is satisfied. The Inspector and SoS have no evidence at all on this point supporting that view.

8.89. In any event it does not satisfy the CIL Reg 122 tests. The key issue, and this really lies at the heart of the CIL Reg 122 tests, is that the off-site benefit has no bearing on, or even relation to, the adverse land use impacts arising from the enabling development. It's solely about where the profits will go. This does not mean that a s. 106 can only be relied upon insofar as it provides mitigation, but there must be a more than de minimis connection between the benefit secured and the land use impacts of the development. Here, there is none. The Society's expansion case is entirely separate and, in land use terms, unrelated to the application currently before you. Accordingly, it cannot satisfy the CIL Reg

[55] The comments below are based on the Council's closing submissions, which in turn were based on the draft s106 (ID37). The updated and executed s106 is ID44.

122 tests – it is not necessary, not directly related to the development (in land use terms), and is not fairly and reasonably related in scale and kind to the application.

8.90. The appellant suggested that the link could satisfy the reg. 122 policy tests because it contributes to the VSC policy test (so is necessary), because the money arises from the enabling development (so is direct) and because it relates in scale (because the development creates the £93m). That is submission not evidence. But in any event suffers from the following flaws:

8.91. The focus on the VSC test is misplaced. The VSC test applies because the development is inappropriate development in the Green Belt with its attendant definitional harm. The logic of the appellant's position is that, if a development is harmful, the category of material considerations that can be taken into account is somehow wider than it would otherwise be. So, the appellant's argument:

a. Fails to deal with the fact that if something is not a material consideration as a matter of law, a policy (such as VSC) cannot make it so.

b. In any event it is – with respect – illogical. It gives an advantage to promoters of inappropriate development which the promoters of appropriate, less harmful development, do not get. There is no indication that the CIL Reg 122 tests – which exist to prevent planning permission being bought and sold and therefore cut down the potential range of considerations which can be relied upon – permit such an approach.

8.92. The relationship is not direct in planning and land use terms. The focus on scale does not deal with the fact that there has to be a relationship of kind. If the tie does not satisfy the CIL Reg. 122 tests it cannot be taken into account in deciding whether to grant planning permission. Accordingly, the Inspector and SoS are being faced with an application, explicitly premised on generating £93m, and have no lawful basis on which to take into account the appellant's proposed use of those funds.

8.93. For either of the above reasons – material considerations and off-site benefits – the appellant's expansion case must fall away as legally immaterial. Alternatively, if legally material, can only be given no or minimal weight.

8.94. The Expansion Case is even harder to interrogate than the BAU case. The expansion case is not providing for all of the matters hoped for by Professor Sisodiya. There is some uncertainty over the Ion Torrent update and it appears not to provide for a biobank at all. While Professor Sisodiya criticises the current TDM machine as being able to provide "only a fraction" of the market, so will the new one (albeit a bigger fraction).

8.95. Second, the Society considers that it will be able to more than double its fundraising by FY 34/35. There is no detailed explanation for this, only a suggestion this will arise from investment in the team "backed by an increased profile". The fundraising team could be invested in in any event. The suggestion that the Society's increased profile will more than double its fundraising ability seems optimistic and, as ever, there is no bank of data or explanation for that or detailed working out of that. It also does not hold up as, on the appellant's case, the Society is even now one of the most important epilepsy institutes in the

world, so should already be in, and maintain, prime position as the beneficiary of donations for those who want to give to epilepsy causes.

8.96. The cashflow for the timing of receipts is over-optimistic and is likely therefore to be delayed.

8.97. Fourth, the appellant's explanation of VAT is partial (and (b) at odds with the assumptions used in the Gardner + Theobold report.

8.98. We have no way of knowing if the care assumptions in the expansion world are similar to those in the BAU world, given the different ways the society has presented the information. Given that it was agreed in XX NHS Commissioners have budgets, which apply a ceiling to care income, logically it must follow there should not be a significant difference between the "income" in the BAU and expansion worlds. However, we simply do not know.

The VSC balance

8.99. The expansion case is either legally immaterial or of very little weight. It shows a large number of the significant impacts arising from this scheme are avoidable. The appellant is clear that there has always been an irreducible minimum in the scale and extent of the proposed development necessitated by the financial receipts the appellant claims it needs. In any event, that driving force falls away, clearing the way for a smaller development. That smaller development would only need a smaller number of houses and may have knock on implications for the amount of land needed for, for example, any local centre (if still required) or school (if still required). So all of the harms we have dealt with, including the substantial harm to the Green Belt, are unnecessary – at the very least in their extent.

8.100. It means that the associated benefits with the expansion case must also fall away. That includes the £314m NHS contribution (as the 11,650 patient figure depends on that case) the additional employment benefits, and much of the Society's case relating to its expansion and life sciences vision.

Housing

8.101. The weight to be given to housing, affordable housing and the provision of care accommodation is at the top of the scale. The position in which the Council finds itself makes that inevitable.

8.102. However :

(1) The application will provide less than 1 year's supply.

(2) In terms of delivery, it is unlikely that spades would be in the ground within 2 years, and so delivery would not commence until sometime in the third year after outline permission was granted. Thereafter, the application will provide a trajectory of about 4 dwellings per month. So, 48 per year, between 96 and 144 within the next 5 years, and between 386-384 within the next 10.

(3) It is common ground no weight can be accorded to the emerging Local Plan at this stage, but the appellants suggestion that the Council will also fail

to meet its Local Development Scheme timetable is entirely unevidenced and wrong. The Council has not only every intention but every incentive to hit the 2026 deadline for submission. Judging by the appellant's build out rates, just 48-96 of the dwellings they now seek would be in place before the Local Plan is in place. 144 at the very outside.

Economic benefits

8.103. There is no dispute that the economic benefits of the development should be accorded significant weight. The construction period of the proposed development would support 160 full time jobs per year. An additional 52 full time jobs would be generated within Buckinghamshire through indirect and induced effects each year of the construction period. The operational phase of the proposed development would secure an additional 124 direct, full-time jobs through retail and employment provision in the new development. Moderate weight is attached to this consideration.[56]

Community facilities and public open space

8.104. In terms of the local centre, the fact is one would not generally provide almost 1,000 homes and care home without some local and retail support. Insofar as it generates economic benefits it falls within the economic benefits case already dealt with above.

8.105. In relation to the public open space, the Council accepts there is some benefit to the new open space being provided generally. The Council's 'moderate' weighting should be preferred.

[56] Mr Fannon POE paragraph 6.7

NHS Savings

8.106. The savings to the NHS fall away if the expansion case does. In any event, the Council submits that, as with the appellant's business case, no weight can be placed on this.

8.107. The economic modelling does not provide any of the source material and ability to check the numbers. In CD16.15 the initial papers were not properly named or provided. The appellant was asked to provide them, but provided different papers (ID31.1). This is a transparent attempt to avoid scrutiny of its proposals and workings.

8.108. The appellant relies on ID31.1 to suggest the figures cited in the original EU paper can be relied upon. In fact, it looks like those figures are not from the EU Paper at all, but in fact from ID31.1 itself. It is the conclusion in their abstract, not one of the pieces of source data on which they rely.

8.109. The US Paper, the EU Paper (if applicable) and new ID31.1 are all studies from entirely different healthcare systems with different social safety nets and healthcare costs. There has been no attempt by the appellant to calibrate for that in his simplistic analysis. This rather undermines his suggestion of independent economic modelling as any economist or modeller would seek to compensate for, or sensitivity test on, that basis. It also includes entirely unevidenced assumptions as, for example, that each of the patients has a partner.

8.110. The Society has, as usual, entirely failed to provide any justification for its medical assumptions (such as suggesting it can move 11,650 people from being in a state of uncontrolled seizures to seizure free). Account must be taken of the fact that the appellant already treats c, 4,900 patients in Gowers with another 1,000 odd being treated by Professor Sisodiya. Thus, it appears not to be 12,000 new patients, but 6,000 new patients. So, notwithstanding its provenance, even taken on its own terms, it does not add up.

8.111. When this appeal started the appellant wanted the Inspector to believe it could save the NHS £314m. It is now clear the actual sums saved to the NHS will be far less than that, and the original £314m figure was the product of sloppy wording, double counting, and sloppy source management. That is not okay for an organisation which is seeking to persuade the Inspector and SoS that it desperately needs £93 million.

8.112. As to how this weighs in the balance, only the sum for the NHS falls to be considered as a separate benefit. That is only a proportion, perhaps 22%, of the sum claimed. The remainder is a more generalised economic point.

Accordance with the Government Life Sciences Plan and Bucks Growth Plan

8.113. This does not fall to be considered a separate benefit to those relating to the appellant more generally. It suffers from two fundamental flaws. First, it is double counting. The appellant has already accorded weight to the fact that the development will (on the appellant's case) allow the expansion of the appellant's specialist research. That is part of the Epilepsy Society benefits case and is obviously a life sciences point. The fact that the Government's own Industrial Strategies indicating that is also a good thing is not an additional material

consideration, it simply reflects that the Government also thinks expanding life sciences is a good thing. The same thing is happening (life sciences work is being expanded) but is being counted twice.

8.114. Secondly, the Government's life sciences strategies are not intended to be planning documents. They go much wider than that, relating to, for example, investment and taxation matters. They do note that planning can be a problem, but indicate that, where the Government intends to change planning controls, they will do so. Thus, the strategies explicitly leave planning changes over for another day. There is no indication they are intended to, now, affect the planning framework

CONCLUDING REMARKS

8.115. We have an unprecedented, significant development in a sensitive part of the Green Belt, which will lead to significant adverse effects on the Green Belt, on landscape character, heritage harms, flood risk, the loss of BMV and harm to sports pitches. The question for this Inquiry is whether the benefits clearly outweigh those harms so as to show circumstances which are "very special". They cannot do so.

8.116. Fundamentally, the main benefit and driving force of the Scheme is premised on a need case which does not withstand any sort of scrutiny. The development is not in any way justified by the appellant's solvency argument and the appellant's expansion argument is simply not material to this case. Even if the Inspector were minded to include as material either of these elements, the appellant's general approach of doing everything possible to avoid scrutiny while backfilling issues with its evidence in note form combined with the serious and significant issues arising from what little information we have been given, means it cannot possibly, rationally, bear the weight put on it by the appellant.

8.117. In the absence of the need case it becomes clear that the entire premise of the scheme is flawed, and there really is no need for 1,000 homes in this sensitive Green Belt location. The loss of the need in its entirety case means that the substantial benefits on which the appellant relies (protecting jobs, expanding jobs, expanding life sciences, £314m in NHS/economic benefits) also all fall away.

8.118. All the appellant is left with, therefore, is housing. The Council does not underestimate the scale of its need, the difficulties it faces in meeting that, and the likelihood of needing to build on Green Belt land. However, given the sequencing inherent in Framework paragraph 148 it does not follow that sites which are as strongly performing as this one, and which cannot be built upon without substantial harm to openness, will need to be released. So, this scale and level of harm is not inevitable, contrary to the appellant's implication. Moreover, the Council does have an emerging local plan which will come forward. The Scheme, given its delivery timescales, will likely only deliver between 48 and 144 houses before it does. When all that is considered, the benefits cannot possibly clearly outweigh the harms.

8.119. Undertaking the s. 38(6) exercise, the proposal is in conflict with core policies of the development plan and the plan as a whole. The Council acknowledges the plan is severely out of date and so what really drives the decision here is the Framework. However, for the reasons outlined the Claimant cannot show VSC,

and so the policies for protecting the Green Belt provide a strong reason for refusal. Accordingly, the material considerations also indicate this scheme should be refused.

9. THE CASE FOR SENSE

[This summary of the case for SENSE is based on the closing submissions, the proofs of evidence and other submissions to the Inquiry]

9.1. The appellant based its application for a huge number of houses in a sensitive part of the Green Belt on the assertion that if that deal does not go ahead, it will become insolvent.

9.2. The 'insolvency' case is dead in the water after being subjected to scrutiny by the other parties, and the expansion plans are so vague and unsubstantiated that they cannot possibly form the required VSC that could justify inappropriate development in the Green Belt. The insolvency case was put forward at the time of the previous appeal in 2005. The appeal was dismissed, but The Society survived.

9.3. The Society has sought to release very little information that would allow any detailed analysis of their two forecasts of closure by 2030 and the position over the next 20 years.

9.4. The appellant provided three pieces of evidence with its rebuttal proof. These were the Going Concern reviews considered by the Trustees at the time they considered the Accounts in 2022, 2023 and 2024; information on the calculation of the claimed NHS and wider savings from improvements in epilepsy; and information on the very limited financial research costs currently directly incurred by the Society whilst they provide significant research monies to UCL for UCL to carry out its research.

9.5. In the Group Financial Statements and Annual Report for year ended 31 March 2022 the Chairman's Review stated that income levels for the Society's care services were improving, and some very general reasons (including the war in Ukraine and cost of living crisis) were given for asserting that the Society was nonetheless not sustainable in the long-term.[57]

9.6. The Going Concern Summary for Year End 22/23 concludes that there would be a cash/liquid investment balances by March 2025 of £11.7M, and that this amount would be more than sufficient to cope with the most adverse of possible scenarios.[58] The Going Concern Summary for Year End 23/24 draws the same conclusion in the same terms (expecting to finish financial year(FY) 25/26 with £9.3M).[59]

9.7. None of the Going Concern reviews for 2022, 2023 and 2024 contain any hint of closure and nor do the Annual Accounts. The Society has tried to say that it was a deliberate choice not to advise the public or the Society's stakeholders of the

[57] CD18.31
[58] CD16.10
[59] CD16.11

situation, which if true would be a rather shocking revelation. The other possibility is that they themselves did not believe closure was inevitable.

9.8. It is also of note that in the Going Concern reviews for 2022, 2023 and 2024, and in the Trustee statements accompanying the accounts for those years, there are many mentions of the mitigations taken by the Society. However, the planning application did not include any mitigation strategies to reduce costs and maximise incomes each year. The position taken in the planning application is simply not supported by the relevant financial information.

9.9. A review of the reserves over the last three available financial years of published accounts shows that at the general reserve level the Society has operated at a slightly positive financial result. This general financial position reflects a Society more than able to operate for many years to come so long as they continue to mitigate problems through actions every year- as has been the case evidenced by these recent years.

9.10. There have been some additional costs outside these general reserves. These have been incurred through the Society's specially created designated funds. The designated fund has been used to cover the agreed extra costs to remove the pension deficit of the defined benefit pension fund of the Society. The agreed future contributions to be made by the Society and included in the 20-year financial forecast may not be required if in the current triannual pension review of the pension fund financial position at 31 March 2025 there is a pension surplus which would remove these future pension payments through to 2030. Three in four similar defined benefit pension funds in the UK are shown in the evidence to now be in surplus.

9.11. However, the designated fund has also been used to finance the very expensive gamble that the Society can secure a release of Green Belt land for sale with planning permission. The information contained in the 2024 Going Concern review released during the rebuttal proof stage makes it clear how much of the "Total Operating Expenditure" of the Society, contained in the Society's financial forecasts, are actually special costs that have only been incurred for the planning application (and which will, if the appeal is unsuccessful, therefore immediately be removed).

9.12. The other costs included and charged to the Designated Fund comprise the additional costs of the estate. The Society provided no evidence of these costs. In their recent evidence they appear to argue that it is the care costs that are now the problem. However, a risk averse charity should have devoted the Designated Funds towards removing these additional estate costs years ago, making savings for the benefit of the Society over the long term.

9.13. It is submitted that a medical charity focused on improving the lives and prospects of those suffering from epilepsy, or who may do in the future, should conduct its affairs in a very careful and prudent manner. Evidence presented for the Meath charity shows that in a similar epilepsy care charity it is able to find strategies to mitigate the costs arising from recent government tax actions.[60] The evidence presented for the Leonard Cheshire charity, which was put at risk from a strategy of trying to do too much, bringing it very close to closure from

[60] CD18.4.4

spending beyond its means, shows that this can be turned around by a new executive team.[61]

9.14. It is clear that closure of the Society is not inevitable, and it is not the case that selling Green Belt land for housing is the only strategy available to the Society. Convenient, undoubtedly, but not necessary.

Expansion

9.15. Professor Sisodiya argues for a need for new medical service equipment to facilitate the improved diagnostic analysis of patients in the UCLH managed hospital at the Chalfont Centre.

9.16. The use of the desired equipment would support a profitable Medical Service activity with UCLH. Equipment leasing (where the costs of the equipment can be financed over the life of the equipment) is also available as a strategy.

9.17. The expansion case that was put forward appears to be the desire to establish an additional 8 teams of 10 researchers, to be housed in a new research building (for which clear plans do not yet exist), to facilitate both clinical research into epilepsy but also for exploratory "wet lab" research. Professor Sisodiya was completely silent as to what this research expansion would do in the immediate future apart from a very broad "vision" of future AI and environmental strategies. His evidence did not give any detail of the design reasons for the research buildings nor of the detail of the manpower needed to fill these 8 teams.

9.18. Professor Sisodiya acknowledges that he is full time employed by UCL and UCLH (68%/22%) and not by the Society. The Society's relationship with UCL and with UCLH is an important partnership, focused as it is on their respective contributions at the Chalfont Centre. UCLH operate the medical ward provided by the Society. UCL provide the majority of the research funding but also provide almost the whole of the research staffing. The Society provides the hospital building, medical services (principally diagnosis), and also research funding.

9.19. The addition of a research building and 8/10 teams of 100 researchers, financed and employed by Society, is apparently initially to be funded by the receipts from the land sale. However, these receipts are not certain and have already been reduced since they were first estimated in 2022 (see the revised Business Case submitted in August 2025). According to the evidence put forward by the Society, it would run out of funds in short order unless it could secure substantial medical research funding each year from outside research sources.[62]

9.20. From 2035 this need is estimated by the Society at £15M per annum and rising thereafter. In total they would require outside and new funding over the next 20 years to the tune of £260m. Without that new funding the Society would have very few funds of its own to maintain and operate the new research building and to pay the wages of these 100 researchers. In short it will be at risk of having to reduce its workforce- an expensive process, and one much more risky than simply reducing research funding to UCL as the Society has been able to do up to now.

[61] CD18.4.6,18.4.7, 18.4.8
[62] CD16.15

9.21. The expansion strategy, namely to build a research facility able to carry out clinical and exploratory research into epilepsy, would be extremely risky. It requires not only the approval through this appeal of the planning application in order to allow an estimated £93M sale but also requires a further £260M of outside funds over the next 20 years. It involves the carrying out new activities to operate wet labs and to employ large numbers of research staff. That is in the context of research staff no doubt preferring an academic employment package (as Professor Sisodiya indicated in his written evidence).

9.22. The Medical Services equipment needed by Professor Sisodiya could be secured through a directed campaign of fundraising and equipment finance. Professor Sisodiya confirmed in his oral evidence that the intention is to house the new equipment in the existing (refurbished) buildings on site. As costed in his written evidence that cost (c£30M with the refurbishment) amounts to about one third of the funding that the Society is seeking through its proposed land sale. That in turn has to be considered in light of the Society's assertion that it has been careful to take only the minimum amount of land needed in order to continue its activities.

9.23. On the Society's own case, that it could secure significant improvements in its offer and in its general situation by a smaller land-take. The appellant offers no evidence about what would happen in the research building beyond the assumed 50% wet labs. Without knowing what they plan to do, it is impossible to know how big a building they need, and how many staff it would need to accommodate.

9.24. It can be concluded that the executives of the Society have deliberately settled on a long-term strategy, rather than one which secures the long-term future of the Society. Approval of this planning application would allow the Society to progress from being a provider of research funds to facilitate UCL research success, to attempt to become a research activity itself whilst becoming dependent on others for funds that would allow it to continue its operations.

9.25. With appropriate ongoing steps the Society will not close. It is the Business Case which is a high-risk venture and not an appropriate strategy for a medical charity. As the basis of this application, it should be refused. All the more so given that the application itself cannot deliver the £260M called for. Only future research grants (a matter of significant uncertainty) could do that.

9.26. UCL have offered support in this planning application, but they have not offered financial support for the £260M to make the venture work. Nor has the appellant offered any evidence as to who else is prepared to offer funding, nor any evidence to support their funding assumptions other than their general assertion of having taken advice.

9.27. In cross-examination by the Council, the appellant's witness admitted that he had not done any such detailed 'bottom up' costings to support the 20-year plan for future cash flows. His refusal, essentially, to make available detailed supporting calculations may indicate that there aren't any.

9.28. All that the Inquiry has is Professor Sisodiya's 'shopping list' of equipment as an initial investment, and no detail of what the ongoing research objectives will be. The grandiose research vision appears, therefore, to have been put together

to fit the sum available, which rather puts paid to the argument that it is the minimum sum necessary.

9.29. It is also of note, in relation to the size of the investment sought (£93M), that the Society's net assets at March 2024 total £26.6M. Of that, £4.4M is the investment in the farmland, so an estimate of the balance sheet value of the land being sold might be about £2M (though it is hard to say due to the lack of detail). That means that if the cash proceeds are realised, the Society's net assets would increase by £91m. This is over 3 times the current amount of net assets. Clearly, this is a massive gamble and would fundamentally change the nature of the organisation and the need for careful and responsible stewardship.

9.30. An important factor, given the clear lack of headroom in the forecasts, is that this does not allow for replacement of the capital equipment either over the period in question or at the end (noting that the MRI machine dating from 2013 already needs updating). The likelihood therefore is that the Society would be back asking for further planning applications in order to raise more funds. Allowing development at this time may well set a precedent for further development on the rest of the Society's Green Belt land.

9.31. In summary, the appellant is relying on VSC to support its plans to build on the Green Belt. However, it has failed to demonstrate clearly that it is in danger of imminent closure or that, if it is, it has taken sensible steps to avoid that scenario.

9.32. The appellant has also failed to demonstrate that it has a clear research strategy, carefully costed and supported by evidence, which would satisfy its claim that it will be in a position to significantly advance epilepsy research and contribute to the Government's life sciences aims. As the VSC cannot be satisfied by the unsubstantiated plans, the VSC cannot be used to support development on the Green Belt.

9.33. In relation to the care income and cost growth assumptions the Society argues that Care is currently losing money.[63] It is true that if one mathematically increases the direct care element costs alone at 3.5% compared with the income line at 3%, then the "surplus" before central overheads may well appear to be bigger. But this appears to avoid the underlying real issue, which is what happens to the overall loss after charging a share of central overheads. These will have also increased at 3% per annum, so at first sight then the overall care loss will be bigger- which it is submitted ought to demand mitigation action over 20 years.

9.34. However, the appellant posits a new business income stream from his Medical Service Profit and this will also, over the 20 years, drag a share of central overheads so that the Care Position will appear to improve, simply due to central costs being shared. But again, the question arises why not reduce the central overhead through efficiency? Any business needs to regard its central cost as ripe for savings over and above simply serving a bigger Medical Service activity.

9.35. All in all, the appellant's answers simply demonstrate lack of commitment to financial savings from expense pressure on all activities and on the central costs.

[63] CD16.15 page 4

The Society's plans a plan with no headroom and no elements that demonstrate what should happen in any business, ie an expectation of expense and income actions to improve the financial results.

9.36. The concept of contribution to overheads is a basic measure of costs and therefore the means to control them. The key is to identify contributions to overheads, and then to formulate a plan to reduce those overheads.

9.37. The appellant suggested the Going Concern test only needs to be true for 1 year after the date of signing the accounts. 12 months is the minimum period that must be reviewed by directors as part of their assessment of the Going Concern basis of accounting and of any material uncertainties.

Alleged saving for the NHS

9.38. The NHS saving is meaningless and wrong. Self-evidently, any treatment that allows a patient to become seizure free will offer savings but there will be some residual NHS costs in monitoring or drugs over their life, going forward. However, there are significant concerns over the rest of the costs said to be saved by reference to different surveys around the world.

9.39. This so-called supporting data, as well as being taken from the USA and Denmark, is also old data, running from 1999 to 2010. The health, medical and economic environments will be much changed since this data was used and the results calculated and so cannot provide reliable supporting evidence for the appellant's calculations.

9.40. The appellant did not offer any actual evidence in relation to the 11,650 people whom it is said would be moved each year from a state of uncontrolled epilepsy to being seizure free. Professor Sisodiya said in his evidence that many of the patients whom he treats clinically come to him from around the UK as a referral and with uncontrolled epilepsy, but that with his expertise and the existing diagnosis capability at Chalfont he can often put them on a much-improved path. The question arises therefore, is the improvement already available from existing knowledge, ie his patient care in the UCLH ward at Chalfont?

9.41. Having lots of researchers looking into epilepsy will not of itself lead to eliminating uncontrolled seizures. Discovery is not certain, and certainly not for all uncontrolled seizures whatever their nature or cause. Surely Professor Sisodiya does not mean to say that at the moment he can promise to eliminate all uncontrolled seizures from existing knowledge or from applying just his new diagnostic equipment.

9.42. It really isn't clear how the Society would come to work with 11,650 patients per year. That means that in a 52-week year they would be seeing c224 patients a week, or c45 per day. The expansion plan does not appear to involve the medical ward at Chalfont receiving money to expand its size. It is unclear how this vast increase in numbers would happen.

9.43. We don't know what new therapies will be delivered by what research, how much exploratory wet lab support is required to make the discovery or what clinical support is required to prove it works and is safe. Nor do we know which

group of epilepsy patients would be able to benefit from this new treatment since all new therapies only benefit a specific group of patients, not all of them.

9.44. The figure of £314M is fictitious. The revised figure of £69.9M (appears to have been taken from SENSE's evidence, yet without also taking on board the many caveats set out.

9.45. The appellant's NHS Note states that Epilepsy Action has reviewed its estimates and now reports that epilepsy costs the NHS £2bn per year.[64] The Society estimates that the most acute 210,000 people (about 1/3 of 600,000) cost £1.6bn, thus an average of £7,600pp pa. The figure of £7,600 is therefore based on an assumption that 80% of the total cost of epilepsy is incurred by a third of the patients. Moreover, even if a patient's epilepsy becomes controlled as a result of treatment there would remain a cost to the NHS of about £952 per patient through drugs, GP monitoring, and potentially occasional hospital visits to keep them seizure free.

9.46. The expansion plans will not directly generate any NHS savings in so far as they rely on research conducted in the future. If this research results in improved medical care for epilepsy patients, in the future there may be indirect savings for the NHS, but at this stage the research itself cannot deliver savings to the NHS.

9.47. The appellant deliberately provided an argument with no supporting evidence. Then it declined to provide the evidence when it was asked for or did so late in the process. Then, when its position was queried, it promised to submit more information but again provided something new with no real time for review.

9.48. Even the Business Case was revised at the last minute: the revised business case has a date on the front of July 2025 but was in fact sent to us in August, only a few days before proofs had to be submitted. In this evidence the 20-year forecast went from a forecast with a limited number of analysis lines to one with just two lines- Total Income and Total Expenditure. SENSE asked for greater detail. That new detail exposed the Society's Medical Service business and profit which had never been seen before. It revealed that with equipment leasing they could achieve much of Professor Sisodiya's research objectives. It exposed their loss of cash headroom.

9.49. Just as in the 2005 appeal, the appellant has promoted an ill-thought out and inadequately justified major development in the Green Belt (only this time for 3.5 times the of number houses as last time). Just as before, whilst there is near-universal support for the Society's work and for the many individuals already living on site, there is near-universal condemnation of the proposals and the claimed justification for them.

Sustainability of Location

9.50. SENSE contend that its position aligns with that of the Highway Authority. It quotes from Appendix A to the submitted Transport Assessment 2022. This referred to the locational challenges that the appeal site presents regarding sustainable travel. It also draws attention to the previous appeal decision where the Inspector described the appeal site as:

[64] ID34

"*unlikely ever to be well served by public transport*" and one from which "*most journeys would be undertaken by private transport*" (IR460).

9.51. SENSE state that there is agreement that the site is not in a sustainable location, with the disagreement relating solely to the degree of un-sustainability. It also contends that the site cannot be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.

9.52. Shops, services and employment opportunities lie at some considerable distance from the site. Only minimal pedestrian and cycle trips can be expected to be made to and from the site, consistent with its semi-rural location.

9.53. The site lies some 40 metres above the valley floor, and virtually all travel destinations involving crossing the River Misbourne. The walking and cycling isochrones measure only horizontal differences and take no account of the gradients and the consequent time to reach a given point and its variability with direction.

9.54. SENSE consider that the shops, services and employment opportunities lie at some considerable distance from the site and due to the gradients only minimal pedestrian and cycle trips can be expected to be made to and from the site, consistent with its semi-rural location. It notes that 23.2% of the population of Chalfont Common are over 65 compared to 17.4% in England and Wales.[65] SENSE also refers to a travel survey carried out its behalf that shows that whilst some people are happy to walk from Chalfont Common to Chalfont St Peter village centre for social and other purposes, they are not happy then to return up the hill burdened with significant levels of shopping. SENSE also considers that the mitigation measures for improving pedestrian access to Chalfont St Peter are not relevant to the demographic that could contemplate such a walk.

9.55. The proposed cycling infrastructure is focused on the routeing to Gerrards Cross rail Station but this would involve steep gradients on both sides of the Misbourne Valley as well as a potentially dangerous crossing of the A413. Mr. Phelps, who was a high-ranking officer in the London Metropolitan Police, deemed the cycle route to be unsafe.[66] The proposed cycle route that is predicted to be used by less than 5 residents and goes to a location with no identified demand in the Strategic Traffic Model(STM).

9.56. The pedestrian route improvements towards Chalfont St Peter do not represent a significant improvement, largely being limited to addressing maintenance deficits. The key issue of any pedestrian crossing of Chesham Lane at the complex highway junction at the main Epilepsy Society campus entrance is not considered in the Multimodal Environment Study.

9.57. The number of different uses designed within the masterplan to ensure that it will be a sustainable place to live do not eliminate the need to travel from the site for most activities. On the contrary, they are predicted to attract significant amounts of inbound traffic to support their viability.

9.58. SENSE states that the reliance on the bus enhancement scheme is misplaced and the comments from the bus operator are based on inaccurate information.

---

[65] Mr Barrett POE Section 4 appendix 13
[66] ID11

The travel survey on behalf of SENSE identified a wide dispersal of places of work, with 72.4% commuting by private transport, and 10.4% using public transport.

9.59. SENSE believes that the figures provided to the bus operator over-estimate the number of dwellings built out in the first five years once the development commences. The number of jobs within the business case are also overestimated and will be delivered after the proposed housing.

9.60. The current Transport Service Improvement Grant will have expired before construction could even commence. At that point, the bus operator would need to reconsider his network in the light of operations that were by then commercial and others for which public support would be needed. It is most unlikely that funding would be available for other than the most pressing requirements, and that decision couldn't be swayed by the proposed development.

9.61. The schematic submitted by the appellant doesn't support the view that 31% of staff live in the Slough area and would be able to use the bus. It is far more likely that this proportion actually live in SL post-codes rather than in Slough itself.

9.62. No evidence has been brought forward as to the bus patronage of existing employees. However, the accepted co-efficient of demand to supply is 0.4, and so the doubling of frequency will raise this by 40%. This is unlikely to be a high number given the reasons outlined above.

9.63. The Transport Assessment predicts only minimal bicycle and pedestrian trips from the site, consistent with its semi-rural location. This confirms the lack of sustainability.

9.64. Due to the outline and mixed-use nature of the proposed development a full Travel Plan is required. The Framework Travel Plan submitted does not comply with this requirement. The submitted Travel Plan has not been tested by Active Travel England (ATE) and has no clear targets or any intermediate milestones, and the measures proposed are wholly inadequate for achievement of the sustainable mobility ambition as evidenced in the review of the Multimodal Environmental Study. It would fail to meet the standards set in ATE's Advice Note.

Transport

9.65. SENSE is critical of the modelling within the Transport Assessment. Specific concerns include the TRICS data used to inform the model, the failure to assess the junction of Misbourne Avenue with the A413 (which SENSE contend would be the preferred route), and part of the model failed the validation test.

9.66. SENSE considers there to be a number of flaws/anomalies with the Appellant's STM and finds it to be inadequate. SENSE believe that the model is misleading in failing to distinguish between flow differences and actual flows on those road sections that include a site entrance. It contends that any model that purports to demonstrate a reduction in traffic on the nearest strategic road (A413) in the peak commuting directions is not fit for purpose and therefore any conclusions are clearly unsafe and cannot reasonably be relied upon.

9.67. SENSE challenged the sensitivity of the model to link capacities "…*because that is disproved by traffic assignment to Denham Lane south of Joiners Lane*". SENSE explained that the "…*model is not as sophisticated as [Mr. Cranley] is saying, and that is demonstrated elsewhere in the outputs…the Denham Lane extension and it being assigned the same traffic as the A413 dual carriageway*".

9.68. Amongst other matters SENSE contend that the model has generated "…*impossible or highly improbable outputs*", such as the highest flow in the AM Peak being identified as being towards the site.[67]

9.69. One of the links that failed its validation test is one that is heavily used by residents local to the site and therefore is significant. The difference plots show that traffic on this link is predicted to reduce as a result of the development, which is counter-intuitive to say the least.

9.70. Highway safety around the Site cannot be assessed just by using accident data since most accidents go unreported. Several lanes in the vicinity of the appeal site are less than 5.0m width for significant stretches, and some are marked as single lane width or being unsuitable for HGVs. Most show heavy edge erosion over significant stretches. The previous inspector was of the view that most drivers would find them an unattractive option, because of their narrow widths and poor sight lines.

9.71. The parking provision in the latest Design and Access Statement is for only one allocated parking space for virtually all households, and an equal number of unallocated spaces. The economics of Battery Electric Vehicle operation (and the buffering requirement of the Grid) require that all vehicles owned by a household require access to a domestic power supply. The number of such spaces also needs to reflect the typical number of vehicles for the larger households. Unallocated spaces for site visitors, servicing visits, and the other potential facilities on the site also need to be supplied. Parking provision for the primary school, particularly at afternoon pick-up, needs more accurately to reflect likely demand. Finally, parking provision for parents and spectators at the sports pitches needs to increase, and this cannot come from the Primary School. Combined, these provisions present an insurmountable challenge for the planned density of development on the site.

Flooding

9.72. Chalfont St Peter suffers significant flooding problems associated with heavy rainfall and high groundwater levels. This causes disruption to local businesses and to the quality of life in the village. The amenities of the village are heavily weighted towards the west side, and when the village floods all of those are lost to the people.

9.73. Existing surface drainage systems struggle to cope. Rainwater that should disperse in a matter of hours can remain for days, including, as particularly relevant to this application, in Chesham Lane and Rickmansworth Lane. The

[67] Mr Barrett POE page 30

flooding occurs in the village centre when the sewer surcharges, and diluted sewage floods the village making it impassable.

9.74. Cllr Darby referred to the sewage network that the application site would discharge into.[68] This illustrates the fact that all the sewage from the site would eventually enter the sewer in the valley and flow through the centre of Chalfont St Peter. The sewage discharge from the application site would thus have a significant incremental effect on this problem.

9.75. When the sewer first surcharges, cars continue to drive through, often unaware of the raised manhole, and diluted sewage is promptly splashed onto pedestrians and adjacent buildings. Water levels quickly rise and enter buildings not quick enough to put out sandbags. Customers are unable to get from the car park to shops, a detour of over one mile is needed in order to enter the village when the road is closed, sewage backs up through toilets and drains into low lying homes. From January to May 2024 the village road was closed for over 4 months and the loss of footfall made Chalfont St Peter a ghost town.

9.76. Chalfont St Peter is at the lowest point of the sewer in the River Misbourne Catchment which carries sewage from all settlements from Great Missenden down through Amersham to Chalfont St Peter before it turns left and goes into a very deep sewer across to the Colne Valley to the Maple Lodge WWTW. This whole area is subject to planning constraints due to the Chilterns National Landscape, Green Belt or both. Over the years, many new homes, built piecemeal, have added to the problem, as have more recent permitted development conversions from offices to residential.

9.77. Whilst Thames Water has taken these issues seriously and are understood to be planning improvements at Maple Lodge WWTW, unfortunately this will not alleviate the issues in Chalfont St Peter village centre. Although Thames Water has invested £10M in the Misbourne Valley and onward to Maple Lodge, in the grand scheme of things this is a sticking plaster on a failing sewerage system. The plan is extensive and it may take years to eliminate sewer flooding. This means that tankers may have to block one lane of the A413 to tanker excess flow by road. Despite this very expensive "sticking plaster" the village will still flood if mitigation measures are not operated in time, as evidenced by the incident in February this year when the village was once again polluted and the road closed, albeit for a relatively short period.

9.78. The water table in the area is surprisingly high. Road drains in Chesham Lane and Rickmansworth Lane struggle to cope as they discharge into soakaways that are already waterlogged due to high groundwater.

9.79. The network struggles as it is. Even when not flooding the streets, homes and businesses, the water is barely below the surface. The sewer has often been too full to conduct surveys even during dry periods and in the middle of the night.[69] The proposed development would add more effluent to this system. Furthermore, there are already permissions granted but not yet built occupied and connected, which will add to the already struggling waste water infrastructure. Even with

[68] CD18.1 page 6
[69] CD18.1.15

mitigation such as measures to hold discharge from the site at 'peak' times of the day, this will not work during periods of high rainfall and high groundwater levels.

9.80. This is such a serious issue for the deliverability of the site that full modelling needs to be undertaken before the application is allowed. Adequate infrastructure to dispose of sewage generated by the proposed development has to be a pre-requisite for any development to take place.

9.81. The only real solution is a whole new sewer connection, which would have to go from the appeal site and under the hill to Maple Lodge WWTW. That would cost billions. Even then, the problems for the village would not be solved; they simply wouldn't be further exacerbated.

9.82. There is a straight choice in this case between allowing the development to go ahead (and letting the housebuilders take the risk of houses potentially subsiding as a result of the incredibly high groundwater levels on site) or sparing Chalfont St Peter from catastrophically worsening flooding situation. There simply is no answer to the actual evidence provided by the people who actually live through what happens.

9.83. The drainage strategy incorporates infiltration-led SuDS features, but clearly their effectiveness depends on the actual infiltration rates at the times of highest risk which is unknown. The infiltration testing was undertaken in May 2023, whereas clearly it should have been done at a time of high water table such as during a wet winter. These have been available recently as evidenced by our dated photographs of the flooding in Chesham Lane.

9.84. It is also noted that there is no storage structure towards Chesham Lane, and no consideration has been given to surface water run-off from the highways in the proposed development. It is claimed that Site access points have been reviewed and are not anticipated to be at risk of flooding under the indicative scheme. However, they already are, as evidenced by our photographs of both entrances.

9.85. It is noted that the changes in the surface water flood mapping are primarily associated with small, localised depressions in topography. However no consideration is given as to whether these local depressions could be early indicators of incipient chalk swallow holes. Certainly, no sinkhole risk assessment has been evidenced.

9.86. Concerning the mapping itself, this confirms the flooding risk at both new site entrances though it is hard to read the level of risk at the new Chesham Lane entrance. It also shows that the level of risk is greater than previously assumed both where the existing flow path leaves the site and, on its section, immediately outside the site.

Further points

9.87. The site contributes strongly to Green Belt purpose a) to check the unrestricted sprawl of large built-up areas. Its development would therefore undermine its fundamental Green Belt role in assisting to preserve the openness of the countryside and preventing the sprawl of Greater London.

9.88. The site does not have strong defensible boundaries on its north-eastern and south-western edges, with these being field edges with hedgerows and the

Epilepsy Society campus respectively. The lack of secure boundaries is one of the main reasons that the Chiltern National Landscape has not been extended into it.

9.89. Some development will be required in the Green Belt in order to meet housing targets as Green Belt land forms such a high proportion of both Chiltern District (Eastern) and South Bucks District (Southern). However, that development should be on grey belt land. Guidance on Green Belt suggests that there are tracts of land in both Districts that are potentially grey belt, in that they do not contribute strongly to any of the three key purposes of the Green Belt and have strong defensible boundaries and so could be included in the emerging local plan for Buckinghamshire. This site does not comply with these requirements.

9.90. Whilst the Council says that there is a need for the primary school and the Care Home, in fact the education deficit lies in the secondary sector (particularly Chalfont Community College). There are more than 50 care homes in Chiltern and South Bucks Districts, and many are running with spare capacity. Chalfont St Peter has something of a glut; people are unlikely to come from far away as their families will want to be near them.

9.91. The indicative affordable housing mix places an emphasis on two-bed flats that will not address the housing need on the authority's waiting list. Three-bed houses would still be 50% more expensive than a lower quartile house in the District and over four times the national average for this category. The additional 10% of housing required to meet the target in the Framework is proposed for shared ownership, but that is still unaffordable.

9.92. The manner in which the Society has decanted its tenants has resulted is a loss of income in years when the Society says they are desperate to stem losses.

9.93. A thought for the s106: the overriding duty of the trustees to operate prudently and to change and adapt their plans as circumstances require means it will not be possible to prevent land profits acquired from the release of Green Belt land to be diverted to other epilepsy purposes that the trustees might determine were, in the future, better uses for the money than the 20-year expansion plan outlined in the planning application. Indeed, SENSE's own evidence says that this is a risky plan that should not be carried through, and this itself would justify any cautious and prudent trustee to change the way they finally determine a cash profit should be directed.

Conclusion

9.94. The Society has been gearing up for a housing development application at least as long ago as 2019. It cannot credibly say that it knew at that point that over 10 years later it was going to run out of cash. As already discussed, that is not what the trustees were saying even several years afterwards. The language of the Business Case is that of reputation and legacy, further muddling its insolvency claims.

9.95. This is the wrong development, in the wrong quantity, at the wrong time. It may be that the Society can come back with plans which have been properly thought through and which can be evidenced to have been, and which do not adversely impact the Audley Dene and current residents on site, who seem at times to have been rather forgotten in the course of the Inquiry.

9.96. What is certain, however, is that the present proposal falls to be recommended for refusal and the Inspector and SoS are respectfully invited to send it back to the drawing board.

10. THE CASES FOR INTERESTED PARTIES APPEARING AT THE INQUIRY

David Powell on behalf of Jordan Bryant (ID5)

10.1. Body Health Fitness was operated by Jordan Bryant under an agreement on the grounds of Chalfont Saints Football Club, who in turn had a lease agreement with the Epilepsy Society.

10.2. Body Health Fitness began direct discussions to acquire direct lease with the Society. The Society was initially helpful, but by September 2024, Kevin Bourner's position had completely changed, and Body Health Fitness was given 30 days to leave.

10.3. The Society contended the Football Club was in breach of its lease and if it did not terminate our lease, the Society would in turn terminate their agreement with the Football Club.

10.4. At the time we had around 300 members and were employing seven local people. Our training sessions provided not just fitness, but essential support for people's mental health and wellbeing.

10.5. It also demonstrated that there was no real regard for the local community or the support of small businesses. We even appealed to the Trustees, but to no avail.

David Powell on behalf of Subjit Jassy (ID5)

10.6. I am a chartered surveyor and have been qualified since 1995. I have supported Jordan with advice on property issues since early 2024.

10.7. As the leases for the Football Club and Body Health Fitness, were shorter in nature, it was both perfectly reasonable and possible to allocate alternative areas of the site to rehouse both uses to allow for any future development to progress. Relocating existing leisure uses would provide a much-needed facility to the wider community.

10.8. Body Health Fitness had been a sub-tenant of the football Club for several years before my involvement, without any concerns being raised by The Society.

10.9. It is not problematic to have the land sold with the benefit of legal agreements in place for any existing tenants, with a relocation right and future position in any given development scheme.

10.10. In my opinion, the Epilepsy Society's approach is to rid their land of tenants to maximise the values of any potential development so that it can be sold to the highest bidder.

10.11. If there is a shortfall in their income the Soc should have been more proactive in managing their existing assets to generate revenue, thus avoiding their claimed shortfall.

Charlotte Fry (ID6)

10.12. We moved here, to get away from the stress of London and to live close by to, what we thought, was a place that supported and cared about adults with epilepsy. To build on this land, and to change its purpose, has the potential to negatively impact, and destroy many lives.

10.13. Our garden was flooded with sewage last year. Cars drive along Chesham Lane at speed, meaning that it is unsafe to let children ride their bikes alone. The additional vehicles from the proposed development would exacerbate this that this problem. The proposed development would cause further sinkholes in addition to those caused by HS2.

10.14. Local services and facilities are at capacity. It's impossible to get a GP appointment at short notice. The proposed development would have a detrimental impact for years due to the noise and dust associated with construction.

10.15. There are plenty of doctors and medical facilities to support epilepsy patients across the country. The Society has become unfriendly, blocking parking for dog walkers and putting up signs to discouraging local people from using the fields for daily exercise. The Society used to be a hub for our community but the site has been let decline and the dog waste bins overflow. The local football club will have nowhere to play.

10.16. Residents are subject to flooding most years and building on the Green Belt would cause further flooding. The site has been centre of Chalfont St Peter for over a century. It needs to be tidied up and managed efficiently and effectively focusing on its patients and not its profit margins.

Richard Silman (ID7)

10.17. The Soc has not given proper attention to the activities on the land for which they are responsible. This led to the Buckinghamshire Council enforcing an order on them to clean up the dreadful mess and shocking defilement of Green Belt they had allowed. Following two enforcement notices remedial work has been undertaken, but the land is still a long way short of its original condition.

10.18. They have given their tenants shorter and shorter leases. This has caused great concern both for the businesses and the community that uses them.

10.19. About twenty years ago, the paths on the Soc land were well trodden and well cared for. About two years ago the Epilepsy Society put up a number of signs telling people where they could and could not walk. The Epilepsy Society signs are wrong, ignoring older maps which show footpaths and bridleways across their land. The local community have submitted three Public Rights of Way to Buckinghamshire County Council, requiring recognition as PROW, around one year ago.

Jo Hardiman (ID8)

10.20. Ms Hardiman has suffered from seizures for most of her life. Matters got progressively worse and she was having over 2,000 seizures a year. These limited her ability go out, drive or carry out even simple household tasks.

10.21. Following a referral to the Soc she underwent various tests and drug combinations. The impact has been life changing. She now has increasingly more seizure free days and is no longer awaiting brain surgery.

Hamish Roberts (ID9)

10.22. Mr Robert's daughter was diagnosed with Epilepsy when she was 16. In five years, she experienced 830 absence seizures, on one occasion breaking her jaw. Her epilepsy was uncontrolled and she died of a seizure at the age of 21.

10.23. Mr Roberts believes that it is absolutely imperative that more research is carried out to understand the causes of epilepsy and how it can be better treated. Epilepsy is woefully underfunded. It receives a fraction of the government investment that conditions such as Parkinson's and dementia receive.

10.24. 1,200 people die from epilepsy every year. The research and the work that is carried out at the Epilepsy Society is vital to cracking epilepsy and saving lives.

Ron Durnford on behalf of Audley Retirement Village (ID10)

10.25. This village was also built on land previously owned by the Epilepsy Society. Many of the owners moved here because of the peaceful location as it's on the outskirts of Chalfont St. Peter and bordered by open land. I chose my apartment because it overlooks what is referred to locally as the dog walking fields and it is used from dawn until dusk

10.26. There has been free and unchallenged access to these fields and the adjacent arable land for decades as is obvious by the well worn paths. The signs stating "Public Footpaths" that say "Please ensure you keep to the public footpaths " with a plan of them and the posts erected with way markers on only went up when planning permission was applied for.

10.27. These fields are not only Green Belt but also agricultural land as, this year, the farmer cut the grass for hay making. These fields and the adjacent arable land are divided by trees and the varied vegetation supports wide range of wildlife. This open space is so important to so many people and trusting that the Green Belt is protected was the reason people chose to live in Chalfont St. Peter.

10.28. The primary purpose of the London Green Belt is to keep land permanently open to ensure the towns do not merge into one another as well as preserving the surrounding countryside. It also serves as urban containment and a broader ecological and recreational function, offering habitats for wildlife, space for food production, flood prevention and opportunities for recreation and relaxation for residents, so important for their physical and mental health

10.29. The alleged very special circumstances sited by the Epilepsy Society do not outweigh the harm this development will cause to the Green Belt and residents of Audley Retirement Village, Chalfont St. Peter and beyond.

Charles Phelps (ID11)

10.30. Mr Phelps is an experienced cyclist and a Police advance driver. He contends that the proposed cycling route is not appropriate or safe. There are two steep gradients on busy sections of road. It is likely to take more than 20 minutes to cycle rather than the 15 minutes suggested. It is a hazardous route, too narrow for buses and cars to pass. The proposed improvements would not make it any

safer. Mr Phelps submitted photographs of the cycle route between Chalfont St Peter and Gerrards Cross.

Councillor Kalley (ID12)

10.31. There has been and still is ongoing development of a significant number of new homes in Chalfont St Peter. The recent and ongoing approved development of up to 800 new homes across multiple sites and separate projects has been considerable and has not been mentioned in any of the application or appeal documents. This development has had a cumulative effect on infrastructure. The Inquiry is aware of the historical impact of flooding, sewage and transportation.

10.32. The proposed development would disproportionately increase the population of Chalfont St Peter. It will add a further 3,000 people to the population of 13,381.[70]

10.33. The Epilepsy Society and our local community have worked together in harmony for decades. Despite this there was zero consultation between the Epilepsy Society and our local Parish Council and community before the planning application was lodged. No changes were made as a result of the opinions expressed by our community at the so called "community engagement".

10.34. The existing road network is unsuitable for several years of construction traffic and heavy goods vehicles let alone the increased traffic that 975 homes will bring to the area. The average width of the 123 metre stretch of Chesham Lane is only 5.1 metres. There is a single footpath and inadequate street lighting which makes the road dangerous for pedestrians and cyclists in general. No safe crossings or footpath improvements have been proposed by the developer.

10.35. The proposed Epilepsy Society research facility is unlikely to provide employment for residents and most jobs will be highly specialist in nature. The care home may provide some employment, but there is no guarantee that the proposed care home will ever be constructed.

10.36. The application makes provision for a primary school which Buckinghamshire Council will bear the cost of building and staffing using taxpayer money. Robertswood School in Chesham Lane is less than one mile from the proposed development and could easily be expanded to a three form entry.

10.37. Chalfont Saints which was established 37 years ago and is located at the Epilepsy Society site. The club provides competitive sport for both boys and girls from the ages of 5 and upwards. Under the proposed development the existing football pitches are being relocated and resized. The pitches are being split by a road which is dangerous and will negatively affect the cohesion of the club as a family amenity. The proposal also has insufficient parking for the relocated and resized playing fields. If there is one season where the pitches are out of use, the club will be forced to close as children will go elsewhere and Chalfont St Peter will lose a key and thriving amenity for young people.

10.38. The ES CEO Clare Pelham implies in her evidence that without funding from the land sale there won't be a cure for epilepsy. There are many other epilepsy

[70] 2021 census

charities and organisations in the UK and worldwide who are conducting research into treatments and a cure for epilepsy.

10.39. The ES site has been neglected and allowed to deteriorate. The land was managed by a local farmer who sadly was given notice to quit by the ES and his tenancy is now terminated. In addition, the ES has failed to capitalise on the business opportunities on the site that would have provided a financial gain. A popular fitness class amenity that invested thousands of pounds into the site and had hundreds of members was told to leave in 2024 and has had to relocate to Denham.

10.40. The proposed ES development will form an incursion into the Green Belt. The correct place to consider taking land out of the Green Belt is through the Local Authority's planning policy, not via speculative and ad hoc planning approvals. Residents of Buckinghamshire Council will be penalised, and Green Belt will be lost as a direct result of this delay to the Local Plan.

Denise Ryan (ID13)

10.41. I am here as a parent of a past player at Chalfont Saints Football Club and a concerned resident who would like to express their fear over this invaluable community asset, that potentially could be lost forever.

10.42. If this development proceeds without a guaranteed, operational replacement facility in place before the current site is lost, I fear the consequences will be devastating. The likelihood of over 500 players finding another local team are slim, plus the 130 with Special Educational Needs.

10.43. The proposal of the new facilities does not offer the same safe consolidated environment with all facilities, club house, changing areas, toilets, parking etc all in one area. Many of the families have more than one child at the club and it would prove a logistical nightmare when the proposed replacement provision is fragmented and is distributed across 3 or 4 parcels of land, two of the pitches will be part of the new school (which might not ever get built) where there is no guarantee that the school would allow the community to use their facilities. There is even a road going through one of the areas, this is not just a matter of logistics, it is a matter of safeguarding and health and safety for the children.

10.44. If the Secretary of State upholds this appeal, then the reality is Chalfont Saint's Football Club will inevitably be forced to fold and the effect on 630 children and their families, including 130 with Special Education Needs, will be catastrophic.

Councillor Linda Smith (ID14)

10.45. Greenbelt is all that separates us from the outskirts of London. The Greenbelt at Chalfont Common is the boundary between Buckinghamshire and Hertfordshire. Part of it is also in the Colne Valley Park.

10.46. The ES now have new buildings including their excellent assessment centre. I've also always supported the work of the epilepsy society in helping people with epilepsy.

10.47. The 2005 appeal was dismissed by the SoS. The Inspector concluded "*Because of its location away from the town centre and other settlements*

offering employment, shopping and leisure opportunities, I do not consider that the residential element of the development proposal would be sustainable." He also concluded that the appeals site served to prevent unrestricted urban sprawl.

10.48. The status of Greenbelt can only be changed by a local plan of the local planning authority. Audley Dene retirement village was supported by local councillors on the basis that 150 homes would not generate high car use or increased rush hour traffic. And that elderly people would benefit from the quality of life that the countryside location would bring.

10.49. Has the effect of the proposal on vulnerable people at Audley Dene retirement village, Woodland Manor and the Society been considered? They would suffer from increased traffic, pollution, noise and loss of amenity space.

10.50. The proposed development would increase the population of the village by about 30%. There are no facilities on this side of the village, shops, doctors, dentists, hospital, churches, leisure activities facilities and most schools are on the other side of the A413.

10.51. Residents will be car dependent because of the topography of the site. The 2011 census showed that 68.8% of residents drive to work. Rickmansworth Lane is becoming a single track lane in places because of the number of cars parked on one side of it.

David Buridge (ID15)

10.52. The proposal will give rise to an increase in traffic along narrow country lanes often with no pavements and this will have implications for the safety of children. Gerrards Cross Station is part of the Chiltern Line with the terminus at Marylebone. Chalford and Latimer Station is a part of London Transport and is served by the metropolitan line with a stopping point at Baker Street and a terminus at Marylebone. Gerrards Cross Station can theoretically be reached by public transport but the nearest bus stop is half a mile from the exit to the new development. Buses only run hourly and stop in the evening so it seems unlikely that commuters will use it.

10.53. A cycling route has been proposed but it is not viable and will not be used by many commuters. There's no public transport serving Litle Chalfont Stations and cycling to it along narrow lanes would be dangerous. Little Chalfont is likely to be the preferred station for new residents as the tickets are cheaper than those from Gerrards Cross and the connections are better.

10.54. Residents of the proposed development will be car dependent. If the existing car ownership ratios for Chalfont St Peter are extrapolated the proposed development in excess of 1800 car parking spaces would be needed rather than one per household.

10.55. The highway network is not capable of absorbing more traffic. Denham and Chalfont Lane are used not only by residents but parents taking their children to and from Robertswood primary school and drivers trying to dodge the congestion on the A413. The proposed development would add substantially to this traffic.

10.56. The plans include provision for a new school, but Robertswood primary school is only a mile from the appeal site. However, parents would find it difficult to get their children to Robertswood School due to the busy nature of the road and the

lack of pavements in some areas. Is therefore likely that the parents will use a car to get their children to and from school.

10.57. Access to the centre of the village is sometimes severely restricted for several months due to sewage flooding. Thames Water had to close the road because it needed to pump the excess sewage into lorries for disposal elsewhere. This disruption caused a loss of income to the businesses in the centre of the village and some were forced to close. The additional sewage generated by the proposed development would be likely to exacerbate this problem.

10.58. A plan for much smaller development in 2005 was rejected as it was deemed that the site was unsustainable. Traffic has increased since 2005 and this larger application should also be rejected on the grounds that it is unsustainable.

Mr Shinner(ID16)

10.59. The principal community amenities are almost without exception accessible only via the village centre, and to the west of the A413. Without a detour of about 1.2 miles the only vehicle access to the centre and the west side is via the Greyhound roundabout. (see map)

10.60. Today the 2,400 or so homes to the East of the A413 are serviced only by just one extended corner shop under the Budgens banner, in Rickmansworth Lane, and a small Tesco Express which is part of the Esso service station on the A413 itself. The only community amenity of note to the East of the A413 is Robertswood School, a primary school for currently 395 pupils between ages 3 to 11.

10.61. I understand that Buckinghamshire Council may only need to consider highway access from the proposed site to the nearest trunk road. That ignores though sustainability of the village centre where there is no space to widen roads or build car parks.

10.62. The balance of available parking is a fine one and as it stands is barely, but just about sufficient to service the shops and businesses within the village centre. There is little on-street parking available in the 'village centre'. There is a single off-street car park in Church Lane (owned by Buckinghamshire Council) and there is time limited parking within the precinct and at the Tesco supermarket. There is no place within the village centre which could be developed to offer additional off-street parking.

Simon Hall on behalf of Eleanor Hall (ID17)

10.63. I enjoy living where I live now - it's quiet, an environment of calm to return to after a busy day in the office in Twickenham and with long stretching fields just a 5 minute walk away.

10.64. I am actively looking to purchase my first property and would ideally like to stay within the area. To buy a flat in the Chalfonts area I would need between £300,000 to £350,000. If the affordable housing on the appeal site is discounted by 20% I would potentially need between £240,000 to £280,000 to afford a property. This would not be possible with my current salary and savings. Moreover, the amount of affordable housing that would be available has not been guaranteed. Ther are also risks with shared ownership and new build homes.

10.65. The purpose of this development is to raise funds for the Epilepsy Society, however, despite having been part of the local community for years, I don't see a concerted effort from the society to fundraise within the local area.

Anne-Marie Vladar (ID18)

10.66. The centre of our village has been affected by historic flooding and in recent years from a combination of increased housing development close to the village centre, inadequate sewer capacity, lack of maintenance, and the ageing and failing sewage & drainage infrastructure. This was added to with a wet winter in 2023/4 and higher groundwater levels again this year.

10.67. Problems in the main stem from the Thames Water sewer systems. Chalfont St Peter is situated at the end of the Misbourne River valley and we are the last

on the sewer system run before it heads across the Gerrards Cross Golf club site and on to the struggling Maple Lodge Treatment works across the border in Maple Cross, Hertfordshire.

10.68. Over several years now Thames Water have made numerous sewer system investigations here on the main pipeline. They have often attempted to do this works during the middle of the night and during periods of dry weather, when they hope to see lower water levels within the sewer system to allow them to actually see the internals of the pipeline and any connections.

10.69. To allow Thames Water operatives to properly inspect the pipeline, the process would normally involve the sewer to be stopped with a bung. This is impossible along the lower road due to the huge high levels of sewage and water in this main pipeline system.

10.70. The capacity and capability of the sewer systems at the Chalfont Common side of the village are unable to handle the increase in wastewater, which meant tankers had to be brought in to deal this.

10.71. Many homes are fitted with non-return flow values along the Lower Road. Residents on the lower side of the road have been plagued often by sewer back up, even those with non-return valves?, especially during periods of high rainfall. During the last serious village flooding episodes many homes were unable to use their toilets, bathrooms, run dishwashers or washing machines. Ms Vladar provided numerous examples of problems that had occurred.

10.72. Maple Lodge Sewer Treatment works has been shown to be failing for many years. The required improvements are just 'pushed' into the following years AMP works, never actually being addressed. Some improvements now look to have been moved into AMP10 – currently 2035 – 2040 as per the Thames Water website.

10.73. Over the past few years, the centre of Chalfont St Peter has been subject to many new homes developed under 'permitted development rights', most being flats converted from offices. All of which do not go through the formal process of a full planning application, which allows them to avoid the scrutiny of the impact these new homes may have on the sewer system and other village infrastructure.

10.74. Our local natural environment is under threat and pressure from the continuing lack of capacity and capability within the local treatment works. I'd like to reference the Thames Water EDM (event duration maps). It is clear that the Maple Lodge site over the years dumps frequently into the River Colne, Grand Union Canal and lakes close to the site.

10.75. In conclusion, the village sewage infrastructure in Chalfont St Peter is currently at breaking point, and the Maple Lodge sewage treatment works does not have the capacity to handle more than 150 homes as stated within their own report on the Bucks Planning portal.

Tim Brooker (ID36)

10.76. The landscape is not flat but undulating, can be enjoyed in all weathers and seasons, different crop uses creates interest all year, and walks can be accompanied with friends to Rowan nursery for coffee. My concern is that this sense of wellbeing will be lost for a sizeable community who enjoy the outdoors and exercise.

10.77. Traffic along Rickmansworth Lane is a concern to me as cars are unable to pass each other without slowing down and flashing one another through.

10.78. The Epilepsy Society claim that their business will become insolvent should the application fail. Effort and investment has been diverted towards building a case for selling their land for over £90 M to create a world-renowned Research Centre. Based on past experience, can the Epilepsy Society be relied upon to spend this money wisely?

11. WRITTEN REPRESENTATIONS

11.1. Where there has been more than one response from a consultee, the position at the time of the latest response is reported.

UCLH (CD2.1)

11.2. The Epilepsy Society is a major part of the UCL Hospital Trust and the Queen Square Institute for Neurology. There is literally nowhere else in the world that offers the combination of medical diagnosis, treatment and research for epilepsy that is available at the Epilepsy Society.

11.3. UCLH has been at the forefront of laying the foundations, planning and developing a number of hospitals which are revolutionising treatment and research in eye care, ENT, dentistry, surgery and cancer treatment. Brave decisions can transform lives and bring hope to those living with long term conditions. UCLH therefore welcomes and fully endorses the innovative plans that the Epilepsy Society has to release the capital from its estate in order to further epilepsy research and support their medical facilities. Epilepsy rarely receives the focus or financial investment that other serious medical conditions receive, and the epilepsy society is uniquely valuable in ensuring that people with epilepsy benefit from the very latest innovations offered by science.

11.4. The Epilepsy Society are renowned as world leaders in the diagnosis and treatment of epilepsy.

UCL (CD2.1)

11.5. The Epilepsy Society has tremendous potential to revolutionise the care of people with epilepsy through a bold and strategic plan that will take the diagnosis and treatment of epilepsy to a new level. The Society is recognised worldwide as a leader in the field of epilepsy. It's new and exciting plans show how multidisciplinary excellence can combine with creative flair to shape a model for a brave and better tomorrow. Epilepsy is seriously underfunded and this is a unique opportunity to invest in the futures of 600,000 people in the UK and potentially 70 million worldwide.

11.6. The UK's life sciences vision has an ambition to ensure that scientific excellence and dynamism accelerate the development of new treatments, diagnostic tools and medical technology that could ultimately save lives. The Epilepsy Society's plans exemplify this vision and will help to reaffirm the UK's global identity and importance in a post pandemic, post Brexit world. Its proposal show had strategic partnerships with industry, government and community organisations could be life changing for people with epilepsy and ultimately save the NHS hundreds of millions of pounds in future costs.

Dacorum Borough Council

11.7. Objects to the proposal. the proposed development is considered to constitute inappropriate development. Dacorum Borough Council therefore considers the proposals to be premature in relation to any allocation of land emerging through the Local Plan in the context of any wider plan preparation for the new authority of Buckinghamshire County Council. The scale of development would be inappropriate in this Green Belt location**.**

Three Rivers District Council

11.8. No Objection to the proposed development.

Affinity Water

11.9. The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone corresponding to our pumping station. This is a public water supply comprising a number of chalk abstraction boreholes.

11.10. We request that the borehole is left intact and Affinity Water employees can continue to access this through construction and after the completion of the development. Subject to conditions in relation to contamination during groundworks and construction, surface water drainage, and water efficiency measures Affinity Water has no objection to the proposed development.

Local Lead Flood Authority(SUDS)

11.1. The LLFA has no objection to the proposed development subject to the appropriate planning conditions.

11.2. The infiltration testing undertaken to date indicates that soakage rates within the shallow deposits are variable across the site, with areas of shallow ground water underlain by a deeper groundwater system within the chalk bedrock formation which is to have a risk of containing dissolution features.

11.3. The Buro Happold technical note provides clarification on the assumed infiltration rates, impermeable areas and storage requirements. The assumed infiltration rates are considered to appropriately assess the reasonable worst case storage requirements within the respective sub catchments.

11.4. The LLFA acknowledge that, based on the currently available evidence, the site is considered to be locally suitable for soakaways, and as noted within the latest LLFA response, further site-specific infiltration testing will be undertaken to confirm suitable locations for SuDS features. Where an area is considered unsuitable for infiltration, the drainage strategy will include a combination of

SuDS treatment measures and conventional piped network to convey runoff to locations with more suitable infiltration rates.

Water Quality Assessment and Groundwater Protection

11.5. The shallow superficial deposits are classified by the Environment Agency (EA) as a Secondary A Aquifer, whilst the Chalk, located at depth, is defined by the EA as a Principal Aquifer and is therefore considered a more sensitive receptor to pollution. The site is also located within Zone 2 (Outer zone) of the EA designated Groundwater Source Protection Zone (SPZ). Therefore, the requirements of EA Groundwater Protection policies are material in proposals requiring infiltration to controlled groundwaters.

11.6. At the outline application stage in the planning process, the details relating to the outline drainage strategy are considered sufficient to demonstrate that in principle it is feasible to appropriately manage surface run off from the site. Conditions in relation to surface water drainage and its maintenance are necessary.

Thames Water

11.7. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer-term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

11.8. Thames Water would advise that with regard to foul water, sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

11.9. The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Buckinghamshire, Oxfordshire And Berkshire West Integrated Care Board

11.10. We anticipate an increase in population of approximately 2415 new patients who will require care from the Chalfonts Primary Care Network incorporating the Misbourne, Hall And Allan practices.

11.11. Further developments in the area would create more pressure on GP services and put existing patients at risk if current practises are unable to cope with any additional workload. If this development is to go ahead we would seek appropriate section 106 contributions in order to help support the local health service infrastructure.

11.12. We estimate this development would require an increase in floor space of 128.5 square metres to serve the projected population increase. At current building costs of £6190.00 per square metre this would require developer contributions to a value of £795,280.

British Pipeline Agency

11.13. No Objection.

HS2

11.14. There is an interface with HS2 interests from both a sub-surface (Chiltern Tunnel) and surface (Chesham Lane access to Chalfont St. Peter vent shaft) perspective to west of the red-line boundary along Chesham Lane.

11.15. However, from an engineering/construction perspective due to the sub-surface safeguarding interest in that location HS2 Ltd expects developers to submit evidence demonstrating compliance with technical requirements and standards as set out in the attached document. Accordingly, in the event the LPA are minded to grant consent HS2 Ltd requires the standard planning conditions contained in chapter 8 of the document to be attached to any Outline planning permission

Natural England

11.16. No Objection. The proposed development is for a site within or close to a nationally designated landscape namely Chilterns AONB. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The application should be assessed carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

11.17. The site coincides with areas of deciduous woodland priority habitat and traditional orchard priority habitat which should be maintained and enhanced.

Sport England

11.18. Sport England has considered the proposed development in light of the Framework and against its own playing fields policy. It opposes the loss of all or any part of the playing field unless, the development as a whole meets with one or more of five specific exceptions. Exception 4 requires the area of playing field to be lost to be replaced, prior to the commencement of development, by a new playing field of equivalent or better quality, and equivalent or greater quantity, and in a suitable location and subject to equivalent or better accessibility and management arrangements. It recognises that there would be a quantitative increase in provision, but is concerned that the replacement pitches may not constitutes equivalent or better-quality provision to that being lost.

11.19. The proposed replacement provision is fragmented and is distributed across 3 or 4 parcels of land. Sport England considers this will reduce the flexibility and capability of the site to reconfigure; relocate and re-orientate pitches to meet the changing needs of the club as well as reduce wear and tear on well-used areas (eg goalmouths and centre circles). An example of this is Plot B, where given the constraints of the parcel of land, it will mean that only small mini-soccer pitches can be accommodated. In our view, it is likely that 'Plot B' as identified on the plans will become redundant and unused for sport.

11.20. Furthermore, Plot A is also effectively split into 2 areas separated by the existing tree belt which again further restricts the ability to mark out; move and reconfigure pitches in this location.

11.21. The provision of a road which will link Chesham Lane to the proposed new residential development further divides the playing field provision and will present health and safety issues for the football club in terms of managing safe access to the pitches and ancillary facilities for mini/junior/youth players.

11.22. Plot C encompasses the proposed new school's playing field. While a community use agreement can secure access to this playing field, the football club will have no control over the use; maintenance or management of those pitches.

11.23. Sport England considers that school's playing field is unlikely to offer sufficient capacity to meet community needs. Community users of the school pitches should also have access to additional suitable ancillary provision with the clubhouse/pavilion located some distance away. If younger age groups are to use the pitches then access to toilets and suitable storage facilities are a minimum requirement.

11.24. Sport England welcomes engagement of a specialist sports turf agronomist (TGMS) to undertake a qualitative assessment of the existing and proposed replacement playing field provision. This assessment identifies significant issues in relation to the proposed replacement playing field land and its suitability and capability to accommodate sports pitches/sporting use. The assessment makes clear that significant works to the land are required, including cut and fill works to level up and even out the surface and installation of a primary drainage system in order to provide replacement playing field that is fit for purpose.

11.25. Sport England understands that the football club does not have strong security of access/use arrangements at the existing site. We understand that the land designated Plots A and B will be transferred to the football club under their ownership. The potential benefits of having improved security of tenure over Plots A and B could arguably offset the poorer management and accessibility arrangements the club will have in respect of Plot C (school site).

11.26. Sport England recognises that the proposed clubhouse/pavilion for the club will represent an improvement on what is already available at the site which is understood to be quite limited. However, the proposed car parking is a concern as it is scattered over three separate areas with a limited car parking offer on the proposed club's ground, circa 40 car park spaces. Further car parking is indicatively shown on the school site (circa 62 spaces) and additional car parking in the village centre.

11.27. Sport England does not consider the proposal demonstrates compliance with our E4 exception in our playing fields policy or paragraph 103 of the Framework, particularly in respect of providing at least equivalent quality of provision.

Other written representations

11.28. There were 907 representations at the time of the application. The majority were opposed to the development. These included multiple responses in some instances, and in others the respondents appeared at the Inquiry and their submissions are summarised above.

Representations in support of the proposed development

11.29. There were 64 representations in support of the proposal. These raised the following matters:

- There are few places that provide residential care for people with complex epilepsy and provides care for about 100 people on site.
- Many of those resident on site also have learning difficulties.
- More research facilities are essential if we are to beat epilepsy.
- Trustees are trying their best to ensure that their very essential work continues for not only residents but also those in the wider community who struggle to get help with their epilepsy which affects so many aspects of their lives
- This is an opportunity to make a meaningful difference to many lives. Those who die from epilepsy tend to be younger.
- 600,000 people in the UK have epilepsy post op for 30% of them there is still no cure.
- Chalfont is known as the home of epilepsy treatment and understanding. It's not just a centre of national importance it is a centre of global importance.
- The Epilepsy Society is in desperate need of a significant cash injection.
- There have been major developments over the years that have providing desperately needed help for the many thousands of epaulettes see sufferers push stop the funding enabled by this proposal would allow further developments and care to be provided.
- The national interest of treating epilepsy must outweigh local concerns.
- I am a woman challenged with uncontrollable Epilepsy for the past 22 years, (diagnosed from age 16). Despite doctors' analysis and many attempts for treatment, the cause for my condition was never determined, my seizures continued ongoing and were never controlled. One of the greatest advantages would be the safe-guarding and security of living in the Soc community, well-informed as it would be with alert attention focussed in the particular interest of our needs; with special benefit of the social fellowship and understanding to be shared in the group with empathetic concern.
- Sudden Unexpected Death in Epilepsy (SUDEP) is a very real concern for every individual but more so for those that have suffered seizures since childhood with additional medical conditions as many of those at the Epilepsy Society have. Therefore, the ability to identify seizures and individual symptoms by clinical and non -clinical staff leads to faster diagnosis which enables the most appropriate medical care, intervention protocols and support to be put in place for individuals.
- Living with seizures impacts individuals in a variety of ways such as anxiety disorders, depression, and OCD. For those living with uncontrollable seizures the impact on the quality of their lives can be significant.

- The Epilepsy Centre at Chalfont is one of the world's leaders in epilepsy care and research, and this development will provide the long term financial sustainability that it requires to maintain this centre of expertise for many decades to come.
- This application has the ability to transform the treatment of epilepsy which is significantly under-served today. The potential benefit to the hundreds of thousands of people living with this condition, a third of whom have no treatment options and a further third of whom only have partial control with significant adverse effects, materially outweighs any downside to this development.
- The Epilepsy Society has played a major part in developing new diagnostic and therapeutic approaches to this condition. In recent years advances in genomics are making a real difference. We are therefore near a tipping point, where more applied research could make a real difference to so many lives. It is therefore right that the Society seeks to make a step change in this condition - and this development will give them the resources to do that.
- Proposal will help with the housing shortfall and change thousands of lives for the better.
- Epilepsy can and does ruin lives, not just for the sufferers but for their families too. The seizure is just one part of the diagnosis, there can also be devastating effects on mental health, anxiety, depression, disruption to education, loss of independence and lack of self-confidence. Alongside this there are side effects from the medication such as insomnia and memory loss. Then take into account the after effects of an injury that can be sustained during a seizure, the ambulance is called, the trips to A&E and dental costs to repair broken teeth due to a seizure. Although epilepsy is a physical illness it has a huge impact on mental health and can affect anyone at any stage in their life.
- The surrounding area is in dire and desperate need of new housing, and Chalfont St Peter and the environs easily have the infrastructure and facilities required to accommodate such an enlargement.
- The proposal would provide significant benefits to the locality, providing jobs, housing, including affordable housing and retirement housing, local infrastructure to enhance this including vital retail services. Leisure facilities and environmentally conscious transport.
- Support the proposal subject to the removal of the vehicular access from Rickmansworth Lane, the inclusion of a health centre and post office/general store.
- Inevitably the loss of green belt will cause concern as will the increase in traffic and demand for local services such as schools, medical services etc. By focusing on a major scheme such as this, however, the community has the chance to secure solutions to these pressures and create a truly fine environment. There is no doubt that over the coming decades housing developments will be approved and if not in a comprehensive form by piecemeal redevelopment which will bring with it all the negatives and few if any of the positives.
- The development will meet the needs of different types of buyers. There is accommodation shortage, developments like this will help alleviate the problems.

- The funds derived will not enrich individuals, but they will be utilised towards development of science to treat very ill people, this should be encouraged and supported.
- The town and the borough will benefit by the business that this development will generate.
- There economic and social implications of the housing crisis. These include constraining labour market fluidity and economic growth as workers cannot access or move to local jobs. There are also implications for commuting distances, and housing inequality. The proposed development could help to address these issues by delivering a substantial proportion of affordable housing on site, family homes, specialist accommodation and care beds alongside significant associated community infrastructure.
- The wider public benefits are substantial: Council tax receipts and accompanying economic benefits including during the construction phase and beyond, new school provision, sports pitches, open spaces and ecological enhancements.
- No application is perfect but any short comings must be considered in the context of the massive good the proceeds of the land (with planning permission) will bring to the Epilepsy Society, who own the land.

Representations against the proposed development

- Green Belt boundaries should only be altered in exceptional circumstances and in accordance with the preparation or review of the local plan. We fail to understand why there's any justification or exceptional circumstances for the alteration of the existing Green Belt boundaries.
- It's already difficult to get an appointment at the GP centre and therefore they would not be able to cope with the additional 3000 people arising from this proposed development.
- The developers state that numerous mature trees and hedges will be destroyed during the development. This will have an adverse impact on a number of protected bird specie.
- We will lose an important amenity on the north side of Woodley Dean. There's no park at this end of the village and local people use this field all the time.
- The roads in the area are unsuitable for the amount of traffic that will be generated by the development.
- We've had enough disruption in this area from HS2 making this countryside an absolute mess and this will be a further disruption.
- Concerns about the climate impact of continuing to ruin Green Belt areas.
- Additional pressure on the drainage system and infrastructure.
- Public transport connections are poor so the residents would be relying on the use of cars adding to the traffic problems within the area.
- The site is crucial to preventing Chalfont St. Peter from merging with Chalfont St. Giles;
- Assisting in safeguarding the countryside from encroachment and preserving the setting and special characters Chalfont St. Giles.
- The site is just outside the Chiltern National Landscape and within its setting. It would be clearly visible from the National Landscape.

- The proposal would not comply with the adopted Core Strategy due to its isolated location and distance from the nearest bus stop.
- The roads leading to Chesham Lane are already busy, narrow poorly lit with little or no pedestrian footways.
- The village has undergone significant housing development in recent years. Local infrastructure is already stretched in terms of NHS facilities, parking, policing, the sewerage system, school places and local authority services.
- There's no evidence that additional housing is required.
- The proposed development would have an adverse impact on wildlife, by diversity, pollution, cultural heritage, air quality and climate change.
- The proposal would put cyclists lives at risk.
- The density of the proposed development is out of character with the surrounding area and the proposed accesses are unsuitable for the quantity of traffic that it would generate.
- Inappropriate development that's not sustainable. It would irreparably destroy Green Belt land on the edge of Chalfont Saint Peter and would be a considerable distance from the village centre. It would double the population currently residing in the adjacent Chalfont Common and forever change the character and quality of life experienced by residents of Chalfont Saint Peter.
- HS2 has tunnelled under some of the land within the appeal site in order to maintain the openness and character of the area and provide environments for wildlife and recreational facilities. These benefits will be lost should the proposed development go ahead.
- The proposals are at odds with many, if not all, of current national and local planning policies. The Chalfont St. Peter Neighbourhood Plan reserves the site for medical, educational, leisure and care facilities and it should be retained as such to meet future demands placed on it by the community.
- The Epilepsy Society has not put forward any compelling very special circumstances.
- If funds are required to restructure or underpin the Epilepsy Society's business model, or future expansion aspirations, this cannot constitute very special circumstances needed to develop the Greenbelt.
- There has been no assessment of the cumulative effects of this development together with other developments in the area such as Newlands Park. Therefore, the development impacts of the proposal are understated.
- The impacts will be felt most keenly by residents of Audley Dean retirement village and Manor Care Home.
- The site is lacking a reliable bus service or train service within reasonable walking or cycling distance. Due to the time required to cycle to either Gerrards Cross Station or Chalfont and Latimer Station it is not a viable option for most people.
- The supporting information underestimates the distances timings and challenges required to access the village centre by walking.
- The vehicle trips in the transport assessment are underestimated and vehicle trips to the proposed new recreational facilities on the site or the

potential of trips to the facilities from other parts of the village are not included.

- There are several small businesses within the site that provide employment opportunities for stop All of these would be forced to close or relocate if the development proceeds.
- The research breakthroughs and epilepsy care solutions anticipated aspired to by the Society are not guaranteed and the costs and pathways associated with them are not adequately explained or underpinned.
- Should the appeal be allowed there is a risk that the Society will seek to sell further land which will lead to further harm and erosion in the Greenbelt.
- Due to the distance of the appeal site from Gerrad's Cross Station it will encourage greater dependency on vehicle ownership.
- The money raised by the proposal will soon be spent and Chalfont Saint Peter will be left with an indelible scar on its landscape that will last forever.
- The footpaths across the site are used and valued by local residents and give access to the countryside for both children and adults.
- Organisational viability is not an exceptional circumstance or a valid reason to remove any of the epilepsy site from the Greenbelt.
- There is no evidence that a school, retail facilities or care home are needed in Chalfont St Peter.

12. CONDITIONS

12.1. A list of suggested conditions was submitted prior to the Inquiry and discussed at the Inquiry.[71] An updated list of conditions was submitted following the close of the Inquiry.[72] This took account of matters that are addressed by the S106 Agreement. Additional suggested conditions were submitted by SENSE. There is a broad measure of agreement between the parties as to the suggested conditions. I discuss these matters below.

12.2. The appellant is agreeable to all of the suggested pre-commencement conditions. I have considered the submitted conditions, including those recommended by other parties in the light of the advice at paragraph 57 of the Framework. The recommended conditions and the reasons for their imposition are at Annex D.

12.3. Following the close of the Inquiry the parties agreed that the conditions in respect of the sports pitches provision, maintenance and management arrangements for the SuDS, the retention of the existing sports pitches until the replacement pitches are available, are not necessary since these matters are included in the s106 Agreement.

12.4. It was also agreed that conditions requiring the submission of materials, hard and soft landscaping, and the layout of the proposed parking are not required, since these matters come within the scope of the reserved matters.

[71] CD23.2
[72] ID42

12.5. The parties suggested condition 31 requires an updated Travel Plan Framework.[73] Schedule 8 of the s106 agreement requires the appointment of a Travel Plan Co-ordinator and specific Travel Plans in respect of each use. I consider that this condition is unnecessary given the planning obligation.

12.6. Suggested condition 18 requires the submission of a detailed surface water drainage scheme for the relevant phase, whilst an additional suggested condition for the Site. The matters to be included in both conditions are very similar. I have therefore amended the wording of suggested condition 18 to include the Site as well as each phase.

12.7. The Council and the appellant disagree as to the whether the wording of suggested condition 25a. needs to include references to bird and bat boxes, hedgehog highways, hibernacula, 15 log-piles, 5 insect hotels. The condition requires the submission of a Landscape Ecological Management Plan, which in turn is required to be in accordance with the BNG Report. These matters will be considered as part of the overall Landscape Ecological Management Plan and this level of detail is not necessary in the context of an outline permission. I have therefore deleted these words.

12.8. The parties agree that a condition requiring that an assessment of Skippings Farmhouse and Debenham House setting out their historic interest and contribution to the growth of the Epilepsy Society's operational estate is necessary. The difference between the parties is that the Council seeks an assessment of all the buildings to be demolished. No building on the Site other than Skippings Farmhouse has been identified as a NDHA or potentially having any heritage interest. I therefore do not consider that the broader version of the condition as suggested by the Council to be reasonable.

12.9. SENSE propose a Grampian condition in respect of foul water drainage.[74] This would require a pumped sewage system study and if feasible, its construction in advance of any other works, Thames Water to complete its mitigation for the Misbourne Valley, upgrade the Maple Lodge WWTW to provide additional capacity.

12.10. The reasons for SENSE suggesting these conditions is understandable given the problems Chalfont St Peters has experienced. However, Thames Water have not objected to the appeal scheme on the basis of insufficient capacity at the Maple Cross WWTW. Its position is that some 150 homes or the primary school could be delivered before upgrades are required, but it has also identified both a potential additional reinforcement of the system to deal with the entire development (a potential new 600mm pipe to the west of the site). In addition, works to the Maple Cross WWTW have been identified as necessary and will be brought forward by Thames Water over the period during which the scheme will also be delivered

12.11. Suggested condition 37 requires the submission of a foul water drainage scheme and a programme for any proposed connection into the public sewage network. This reflects the need for upgrades to the sewage network and will ensure that connections to the sewage network will only be made if there is

[73] ID42 Condition 31
[74] CD23.1

capacity. I agree with the Council and the appellant that the Grampian condition suggested by SENSE is not necessary.

12.12. SENSE also suggest a condition requiring a vision led Transport Assessment and a credible Travel Plan. The Travel Plan is secured by a planning obligation. The concerns of SENSE in respect of the Transport Assessment and the modelling are addressed below. I find that the condition suggested by SENSE is not necessary.

13. PLANNING OBLIGATIONS

13.1. The appellant submitted a signed Agreement under s106 of the Town and Country Planning Act 1990 dated 28 October 2025. The Planning Agreement is conditional, and should the SoS decide that any of the planning obligations within the s106 are either not a material consideration in granting planning permission or do not comply with the tests at regulation 122 of the CIL Regulations they shall cease to have effect and the owner will not be under an obligation to comply with them.

13.2. The Council submitted a CIL statement, I have taken the information in this, and the information provided at the Inquiry into account in reaching my conclusions below.[75]

13.3. *Schedule 2* covenants to deliver 50% of the dwellings as affordable housing. This provision is necessary to comply with Core Strategy policy CS8 that requires at least 40% of dwellings to be affordable and to comply with the Golden Rules at paragraph 157 of the Framework. I am satisfied that this obligation is CIL compliant.

13.4. *Schedule 3* undertakes to provide at least 15 self-build/custom build plots. This provision is necessary to comply with the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and the policies in the Framework in relation to self-build.

13.5. *Schedule 4* requires the appellant to provide employment and training opportunities for local candidates during the construction phase comprising at least 6 apprenticeship vacancies. The obligation is directly related to the development. Although there is no current development plan policy requiring employment and training provision for local candidates, the need for such opportunities was identified in the Chiltern and South Bucks Economic Development Strategy: (August 2017) which formed part of the evidence base for the now withdrawn Local Plan. I therefore conclude that this obligation is necessary to make the development acceptable and fairly and reasonably related to the development proposed.

13.6. *Schedule 5* covenants to make financial contributions towards the Community Centre, Healthcare, Education, and public transport.

13.7. The proposed development would require community facilities to meet the needs of residents. The existing community hall is in need of refurbishment/redevelopment and the contribution would contribute towards

[75] Some of the schedule references have changed since the Council prepared its CIL statement

these works. I conclude that the contribution would comply with the CIL Regulation 122 tests.

13.8. The healthcare contribution would be paid to the Council towards an identified project to increase capacity and clinical space at Misbourne Practice, Chalfont St Giles. The contribution is necessary since the Misbourne Practice is currently significantly over-subscribed and is the nearest facility to the proposed development. The contribution has been calculated on the basis of the expected patient yield from the proposed development and I am satisfied that it meets the relevant tests.

13.9. The education contribution includes a contribution towards primary education and Special Education Needs education (SEND). It has been calculated on a pro-rata basis dependant on the size of the dwelling. The education contribution is necessary to make the development acceptable and is directly related to the proposed development.

13.10. The Public Transport contribution will be paid in instalments over a period of 5 years. The contribution is necessary to contribute towards the sustainability of the site through the introduction of a bus service once the occupation of the site commences and before it is commercially viable. It will be used to promote sustainable transport modes connecting the Site to the local area and increase the frequency of bus services that currently run between Slough, Gerrards Cross and Chalfont Common. It is necessary in the interests of sustainability and compliance with Core Strategy Policies CS4 and CS25 as well as Section 9 of the Framework that promotes sustainable transport. It has been calculated on the basis of a per dwelling contribution. I conclude that it meets the relevant CIL tests.

13.11. *Schedule 6* relates to BNG and the submission of a Biodiversity Gain Plan that could include off-site provision if necessary. It is necessary in order to comply with Core Strategy Policy CS24, as well as the Framework paragraph 187. It is therefore necessary to make the development acceptable and would also comply with the other CIL tests.

13.12. *Schedule 7* relates to the provision of land for a new primary school and a school drop-off area. It also requires the provision of the primary school community sports pitches.

13.13. Transfer of the safeguarded education land and the drop-off land is necessary in order that a primary school can be provided if required and would meet the CIL Regulation 122 tests and is supported by paragraph 100 of the Framework.

13.14. The provision of the primary school community sports pitches is necessary to meet the needs of the primary school and the community need for replacement pitches and would meet the relevant tests. Should the primary school not be required the pitches would be transferred to the Parish Council or a management company. In the event that the pitches are transferred to the Parish Council it shall pay a commuted sum for the maintenance of the pitches for a period of 30 years. The transfer of the pitches to the Council would comply with the relevant test.

13.15. Should it be necessary to transfer the land to the Parish Council or management company, this would meet the relevant tests in so far as it is necessary to compensate for the loss of the existing pitches and is directly

related to the development. The transfer of the pitches would also be fairly and reasonably related in kind to the proposed development. I do however, have doubts that the commuted sum would meet the CIL tests. Since this concern relates to a number of schedules I address it at the end of this section.

13.16. *Schedule 8* requires the submission of residential, care accommodation and commercial travel plans and the appointment of a Travel Plan co-ordinator, together with the Travel Plan monitoring fee. The Travel Plans are necessary to comply with Core Strategy Policies CS4 and CS24. The monitoring fee is necessary in order that the Council can judge the effectiveness of the Travel Plans. The fees represent a contribution towards the maintenance and licence fees of the monitoring tool. This has been assessed on the basis of a standard fee applied to all Travel Plans within the County. The Travel Plans and fees are directly related to the development and fairly and reasonably assessed.

13.17. *Schedule 9* was amended post Inquiry in an attempt to accommodate the concerns of the Local Planning Authority regarding the appropriateness of the planning obligation and the link between the proposed development and the land. It seeks to link the development on the appeal site to the progress with the Epilepsy Centre R&D scheme and restricts the use of funds to this project. It also requires the submission of a draft timetable for the construction of the R&D land to be submitted prior to the submission of the first reserved matter application. In addition, until the Epilepsy Society has started the construction of the research building, purchased the MRI and TDM equipment and refurbished the necessary accommodation and commissioned 8 research groups no more than 800 dwellings can be completed.

13.18. The appellant confirmed that it was content with this restriction since this is how it intended to use the funds from the sale of the land. I do however agree with the Council that the consequences of the appellant failing to comply with the obligation would be enforced against the future owners of the appeal site. However, given the intentions of the Society the requirements are not considered to be unduly restrictive, and any person purchasing the land would be aware of the requirements of the obligation.

13.19. The purposes of the Epilepsy Society are set out in the Trustees Reports. The objectives of the Society is to securing a full life for everyone affected by epilepsy and other neurological conditions. The Society's constitution states that it will do this by:

- promoting acceptance of people with epilepsy and other neurological conditions, and challenging discrimination against them;
- preventing the development of epilepsy and other neurological conditions;
- seeking effective treatments for epilepsy and other neurological conditions; and
- providing services to people with epilepsy and other neurological conditions.[76]

13.20. The Charities Act 2011 requires the Society to have due regard to public benefit guidance published by the Commission in determining the activities

[76] CD 16.3 Trustees Report pages 4-5

undertaken by the charity. Research carried out and funded by the Society meets the Charity Commission's test for public benefit.

13.21. The restrictions within the s106 prevent the funds being used for any alternative purpose. Moreover, as noted by SENSE the planning obligation would prevent the diversion of funds to other epilepsy purposes that the Trustees might determine were, higher priority or better uses for the money. I therefore do not consider that Schedule 9 is necessary to make the development acceptable.

13.22. Should the SoS take a different view I address whether the Schedule would comply with the tests at Regulation 122.

13.23. The VSC put forward by the appellant is reliant in part on the business plan that in turn promotes the R&D scheme. I therefore agree that should the SoS not be satisfied that the existing safeguards would ensure that the funds would be used to further the Epilepsy Society's vision and purpose, the obligation would be necessary to make the development acceptable. It would limit the use of the funds to the scheme within the business plan.

13.24. It is directly related to the development since it would limit development on the appeal site until the obligations at Schedule 9, including the R&D building and the refurbishment of other buildings had been complied with.

13.25. It would be fairly and reasonably related in scale and kind to the proposed development because it relates to a scheme which has been calibrated in terms of scale to relate directly to the receipt needed for the scheme tied to it by the obligation.

13.26. Both Parties referenced *R(Thakeham Village Action) v Horsham DC.*[77] There are a number of similarities between the appeal scheme and Thakeham, however, one fundamental difference is that there is no planning application for the R&D scheme at the Epilepsy Society site. It was explained at the Inquiry that any application for the Society's site would need to be a full application due to the nature of the buildings proposed and the fact that there were several listed buildings on the appeal site. To submit such an appeal would be costly and should the current appeal proposal not proceed it would absorb further funds from the Society but would be unable to provide any benefit. I consider this to be a prudent and reasonable approach in the particular circumstances of this particular case.

13.27. The R&D scheme is not before the Inquiry and there can be no certainty that it would be permitted. Notwithstanding this, it would use PDL and include the refurbishment of some existing buildings on the Site. The appellant also stated that it would not require permission from the Charity Commission. The appellant also engaged in pre-application discussions with the Council.[78]

13.28. Thakeham confirmed that a financial contribution whose purpose is to enable other development to proceed may be material, so long as there is a sufficient connection between the proposal and that other development. As in the Thakeham case achieving the development of the Epilepsy Society R&D

[77] See appellant's closing paragraph 111 and Local Planning Authority closing paragraphs 74-75
[78] CD7.11 & 7.12

development is dependent on the injection of capital that would flow from the redevelopment of the appeal site and would be in the public interest. The s106 requires the financial contribution from the proposed development to be used for the specified works on the Epilepsy Society land. I therefore find that the planning obligation would be consistent with the principles within Thakeham.

13.29. The Council's comments made in its closing submissions were in relation to an earlier iteration of the s106 agreement.[79] The Council is party to the s106 and was provided with an opportunity to comment on the final version but did not do so.

13.30. The matters raised by the Council in relation to the obligation, namely not restricting development on the appeal site or requiring the appellant's land to be used in a particular way are now addressed. The Council is correct that the obligation can only be enforced against the site owner rather than the appellant is correct, but any future developer would likely wish to ensure that there is a reasonable degree of certainty that the Society would comply with the Schedule 9 obligations.

13.31. Whilst it is true that planning permissions cannot be bought, that is not the case here, should planning permission be granted, the proceeds would be used by the Epilepsy Society for the public good.

13.32. Overall, I conclude that Schedule 9 is not required to make the development acceptable. Should the SoS take a different view, the planning obligations would meet the CIL tests at regulation 122.

13.33. *Schedule 10* requires the submission of a Local Centre Marketing Strategy and the completion of the centre.

13.34. *Schedule 11* relates to highway improvements. These include the submission of a cycle improvement scheme for cycle lane provision from the site to Gerrards Cross Railway Station. The required Highway works delivery plan would include improvements to the pedestrian network, other specified footway and crossing improvements, roundabout improvements and improvement to specified bridleways and footpaths, as well as the completion of the estate roads and footpaths to adoptable standard. These are all necessary to make the development acceptable and fairly and reasonably related in scale and kind.

13.35. *Schedule 12* relates to the sports pitches and pavilion. The appellant covenants to transfer the sports pitches (excluding the school pitches) to the Parish Council, a management company or the Football Club. It also undertakes not to close any of the existing pitches until the temporary pitches have been constructed, or the replacement pitches have been constructed and provided.

13.36. Should the pitches be transferred to the Parish Council a commuted payment is required to cover 30 years maintenance costs. The planning obligation also requires the provision of a football pavilion to be transferred to the Parish Council, a management company or the Football club. A commuted payment to the Parish Council would also be required. For the reasons given above in relation to the primary school community sports pitches, this obligation would meet the relevant tests in so far as it is necessary to compensate for the loss of the

[79] ID38 paragraphs 84-89

existing pitches and is directly related to the development. The transfer of the pitches would also be fairly and reasonably related in kind and scale to the proposed development. However, I have similar concerns in relation to the commuted sum required by the obligation.

13.37. *Schedule 13 Open Space* The obligation requires the provision of the open space land in accordance with an approved scheme and its transfer to either the Parish Council or a management company. Should the land be transferred to the Parish Council a commuted payment to the Parish Council is required. The open space land comprises public open space, an equipped play area for toddlers, a locally equipped play area for juniors, and a neighbourhood equipped play area for juniors and teenagers. The public open space includes an area of open land and about 8.9ha of existing and proposed woodland.

13.38. Although I have not been referred to any specific criteria or standards in relation to the provision of open space, the delivery of the open space provided for is directly related to the development and its provision would seem to be proportionate to the scale of the development proposed. Moreover, amongst other matters, the Golden Rules within the Framework require the provision of new, or improvements to existing, green spaces that are accessible to the public. This obligation would therefore comply with the CIL tests, however, as is the case with some of the other obligations above, a commuted sum, payable to the Parish Council is required, or alternatively it could be maintained by the management company.

13.39. *Schedule 14* requires the submission of a SuDS maintenance scheme.

13.40. *Schedule 15* relates to the management and maintenance of a range of matters. These include the open space land, SuDS, Estate roads, sports pitches and the pavilions.

13.41. Should the open space land, SuDS, estate road, sports pitches and pavilion be transferred to the management company, the management company will have the right to manage it for the lifetime of the development. This is to be funded by rent charges or service charges or other estate charges on the transferees and their successors in title. This would include future owners and tenants of the proposed dwellings.

13.42. The estate roads and the SuDS are necessary to ensure that the development is maintained over its lifetime and are necessary in order to maintain suitable access and ensure that surface water drainage is appropriately managed. However, the open space land would be public open space and the public would have unrestricted access. Since the management company would be funded by rent charges or service charges this would be a direct cost on future occupants of the development. It would not be reasonable or fairly related in scale for these future residents, including those living within affordable housing to fund public open space for the lifetime of the development. A similar situation arises with Schedule 12 in the event that the sports pitches and pavilion are transferred to the management company.

13.43. If in the alternative the open space and the sports pitches are transferred to the Parish Council, the appellant is then required to pay a commuted sum sufficient to cover 30 years maintenance costs. Whilst this would not be a direct charge on future residents, it would nonetheless be an indirect charge. Again,

since these would be public facilities I do not consider that the commuted sum would be fairly and reasonably related to the development. As such it would not comply with the CIL regulations.

13.44. I therefore recommend that the SoS deletes Schedule 7 paragraph 5.12 (a), Schedule 12 paragraphs 13(b) and 22.2, Schedule 13 delete paragraph 2.12(b), 1 delete the reference to the payment of a commuted sum, Schedule 15 paragraph 2 delete the references to the open space land (2.1), the sports pitches (2.4 and the pavilion(2.5) together with paragraph 6 (a), (d) and (e).

13.45. *Schedule 16* requires the submission of a car club scheme to operate for a minimum period of five years and the provision of the mobility hub and its maintenance for the lifetime of the development.

13.46. *Schedule 17* sets out the Council's obligations. In summary these are to use the contributions for the purpose intended and to return any monies not spent within 10 years of receipt.

13.47. Overall, I conclude that Schedules 7 , 12 and 13 should be amended as set out at paragraph 13.44 above in order to ensure compliance with the CIL Regulations. I also conclude that Schedule 9 is not necessary to make the development acceptable. Should the SoS take a different view it would then be considered to meet the statutory tests.

14. INSPECTOR CONCLUSIONS

14.1. All parties agree that the proposed development would be inappropriate development within the Green Belt and would not constitute grey belt development. Therefore having regard to the submissions from the parties and the matters agreed, I consider that the main issues are:

- The effect of the proposal on the character and appearance of the surrounding landscape, including the setting of the Chiltern National landscape.
- The effect of the proposed development on the Green Belt.
- Whether having regard to national and local planning policy the appeal site is in a location that is or could be made sustainable.
- Whether the proposed development would satisfy the sequential test if required, be safe from flooding and avoid increasing flood risk elsewhere including within Chalfont St Peter.
- The effect of the proposed development on the highway network with particular regard to capacity and traffic modelling.
- The business case for the Epilepsy Society.
- The effect of the proposed development on heritage assets.
- Whether the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to clearly outweighed by other considerations.

The effect of the proposal on the character and appearance of the surrounding landscape, including the setting of the Chiltern National Landscape

Character

14.2. The Site is located mostly on agricultural land in arable use abutting the settlement edge to the northeast of Chalfont St Peter on gently undulating land in South Buckinghamshire. The Site is an area of 78.37 Ha. and it includes the buildings at Skipping's Farm. The landscape is interspersed with blocks of woodland, some scrub, mature hedgerows and hedgerow trees, which in combination with the undulating landform provides a very contained feel to the landscape within a structured landscape framework.

14.3. The site is not subject to any landscape designations, and the parties agree that it is not a valued landscape for the purposes of the Framework.

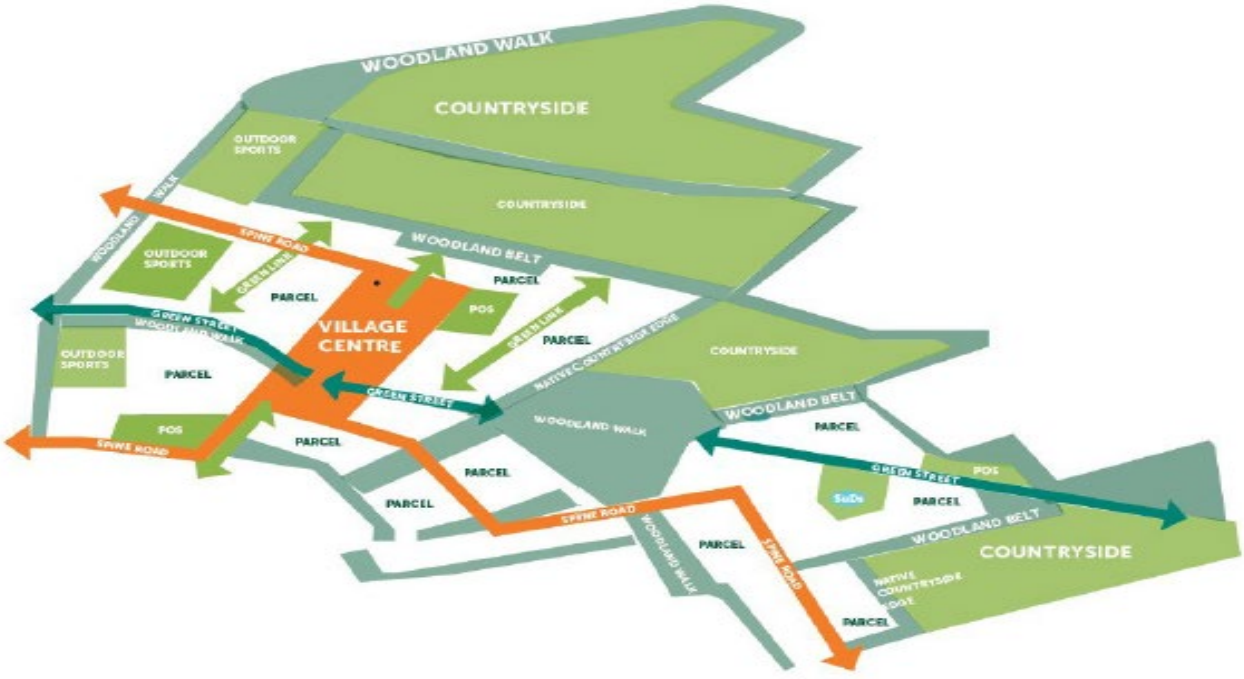
14.4. In spatial terms the appeal site benefits from a largely enclosed character largely as a result of the contribution of built development around the edges of the Site, together with strongly wooded features and tree line features that frame the landscape to the east and north, and the gently rising landform.

14.5. The Site is broadly characteristic of the local LCA in which it is located. The Council and the appellant agree that there are significant adverse effects identified in the ES/LVIA in respect of local landscape character and visual amenity.

14.6. The urban features currently within the Site are compatible with its rural character as all the built form is typical or reminiscent of agricultural architectural style (the football club and CD Moto buildings at Skipping's Farm). These features are not particularly evident across most of the Site due to considerable intervening vegetation, other than in proximity to Chesham Lane where the existing suburban development and the Epilepsy Society's existing buildings are more evident.

14.7. The roads surrounding the Site are generally narrow and bordered with trees and hedgerows. These restrict views of the Site other than in a few locations where there are opportunities for open views across the countryside.

14.8. The proposals will bring about a change in land use and character to the appeal site itself resulting from the proposed development, from a mixed, arable/agricultural character with tree belts and commercial uses towards the periphery to a residential development across about two-thirds of the site, although a significant proportion of the site would remain undeveloped.



Extract from Landscape Principles Plan (LVIA Appendix 6.3)

14.9. The proposal includes significant areas of green infrastructure comprising trees, woodland and hedgerow, species rich meadow, grassland and planted attenuation features. The wooded belts proposed around the edges of the Site are generally in the order of 15-20m deep. The areas adjacent to the boundaries of the site woud remain predominantly open through the location of the sports pitches and the areas of countryside.

14.10. The PRoW network within the site currently provides a number of tranquil walking experiences despite its proximity to the settlement edge. The proposed

development would diminish the perception of remoteness and replace the rural character experienced by walkers.

14.11. The parties agree that the effects will remain Major Adverse at Year 15, given the scale of the change and the permanence (irreversibility) of the proposals.

Visual Effects

Viewpoint location overview plan (CD1.29.5.1)

14.12. The Council assessed the viewpoints on the basis of the parameter plans and the illustrative plans. The illustrative plans indicated either the same, or in a number of instances a lesser impact when compared with the parameter plans. Although only the parameter plans and Design Code are for approval at the

present time, this is an outline proposal and the illustrative plans, together with the Design and Access Statement were submitted to the Council. I have therefore taken them into account in my assessment below. Whilst the Council expressed concern that the deliverability of some landscape features are not secured by the parameter plans and therefore their deliverability is not certain, there is sufficient information to conclude that the proposal is capable of delivering these features and they will be considered at the time of the reserved matters.

14.13. As with the landscape effects there was a large measure of agreement between the parties as to the visual effects.

14.14. Along Chesham Lane (VP 18, 17a, 17b and 15) the existing vegetation screens the Site, and it is agreed that there would be no significant adverse impacts on these viewpoints. By year 15, based on the illustrative plans the Council agrees that the effect would be negligible adverse. The Council consider that VP17b located just to the south of VP18 would permit views of the Site. The proposed dwellings would be separated from these viewpoints by the intervening sports pitches. Having regard to the localised nature of the views and the screening provided by the existing and proposed vegetation I agree with this assessment.

14.15. The parties also agree that there would be a Major Adverse Effect at Year 15 from Cricketfield Cottages (VP16) due to the proximity of the proposed dwellings to this property. I share this view.

14.16. In terms of the properties at the edge of Chalfont St Peter (e.g. Tate Road, Rickmansworth Lane) (VP7,8,9) the appellant finds a Major Adverse Effect at year 15, whilst based on the illustrative plans the Council finds a moderate adverse effect. In this location the proposed dwellings would be located close to the boundary with Audley Dene, and the rear boundary of the dwellings at Tate Road. The landscape proposals indicate a woodland walk to mitigate the visual effects. Whilst this would reduce the harm particularly adjacent to the Audly Dene boundary, I find that there would remain a Major Adverse Effect particularly adjacent to the Tate Road properties.

14.17. Properties on Rickmansworth Lane currently benefit from open views across the Site and the arable fields alongside Rickmansworth Lane. The Development Proposals include a new access point, access road and residential properties opposite these dwellings. Buffer planting alongside the access would help to soften and screen views into the Site. In the case of these properties, I find that there would be a moderate adverse effect by year 15.

14.18. Gorelands Lane (VP1) This is mostly enclosed on both sides by mature vegetation, which limits opportunities for views across the Site and the wider environment. There are glimpsed view across the access into Rowan Cottage (within the Rowan Garden Centre complex). In Year 15 there would be a negligible adverse effect.

14.19. Audley Dene Retirement Village (VP13) adjoins the existing Epilepsy Centre and benefits from direct views across part of the Site. The existing dwellings on the northern boundary currently enjoy an edge of settlement / rural edge location and this would be replaced with the edge of a new residential housing development. The change for the dwellings with views towards the north would

be significant. Notwithstanding this the adjacent woodland would remain and be enhanced and would limit views of the wider development. I therefore conclude that at Year 15 there would be a moderate adverse effect.

14.20. PROWs CSP 9/5, 9/6, 9/1 (Chesham Lane to Old Shire Lane) (VP2,3,4,5,18 & 20) Footpath 9/5 leads east to west through the middle of the Site, but approximately 170m north of the proposed extent of built form. The existing mature hedgerow and trees provide some screening of the countryside to the south and would mitigate views of the new houses. The proposals include substantial buffer planting along the northern Site boundary which would further mitigate views. Given the proximity of the footpath to the edge of the proposed dwellings I conclude that there would be a moderate adverse effect at Year 15.

14.21. PROWs CSP 7/1, 7/4, 7/3 (Micholls Avenue to Newland Park) (VP 2,13,14,&21) The proposed dwellings would be located to the west of this footpath where it crosses the site. The eastern side of the footpath would be free from development. The proposed dwellings would be set back from the footpath and the proposed planting would screen and soften views once it is established. Notwithstanding this, there would be a significant change in views from the footpath. I find that there would be a major adverse effect at Year 15.

14.22. PROWs CSP 12/1, 12/2 (Chesham Lane to Brawlings Lane) (VP10,11,12,& 16) This footpath would become a green corridor across the Site with housing located to one or both sides across much of its length. Although the dwellings would be set back from the footpath and would cross an area of open space, the setting and character of the footpath would fundamentally change, and the existing rural walking environment would be lost. I agree with the parties that there would be a major adverse effect on views from this footpath even at Year 15.

14.23. Chiltern Way(VP19) I agree with the parties that due to the containment provided by the existing vegetation the effect on these views would not be significant.

14.24. Rowan Garden Centre/Café (VP2) Since the preparation of the LVIA the garden centre has added a café with outdoor seating that has views over the surrounding countryside. The proposed development would introduce urban features into the existing rural views, albeit at a distance. Moreover, such views would be limited to those using the outside seating area. The proposed landscaping would filter these views and given the distance I find that there would be a moderate to minor adverse effect at Year 15.

14.25. Model Farm (VP3) The model farm has closed. The site is now used for a variety of commercial/industrial uses. Views towards the Site are separated by the intervening field and would be mitigated by the proposed landscaping. Given the current use of the site and the fact that this would be a private view I conclude that there would be at most a minor adverse effect at Year 15.

14.26. VP3 In both close-range and contextual views, the development would replace valued compositions of open farmland, intact hedgerow lines, and wooded horizons with active urban frontage. The loss of unspoiled views, due to the extension of the urban area to the north and east of the Site, not only reduces the visual amenity of the PROW network but also shortens the stretches where users experience an uninterrupted rural character. The requirement to

walk further north before escaping urban influence will be particularly noticeable to regular walkers and local residents.

14.27. The Council introduced additional viewpoints from Old Shire Lane Circular Walk and the Dibden Hill (Viewpoints A, B and C).View A is a view of Colne Park. As acknowledge by the Council, based on the illustrative plans the effect at Year 15 would be negligible.[8.24]

14.28. Viewpoints B and C are close together within the CVRP. They provide views across the valley towards the appeal site, the HS2 access road and vent shaft building are prominent in views. The Council considers the proposed development would lead to the extension of the urban settlement into the contextual countryside. It does however, acknowledge that by Year 15 based on the illustrative layout the impacts would be negligible. Given the distance of this view from the Site, together with the HS2 infrastructure, topography and the existing woodland, I consider the effect of the proposed development on these views to be insignificant.

14.29. Overall, the proposal would give rise to major adverse effects for PROW users traversing the Site and its immediate edges; moderate adverse effects for several contextual viewpoints including from rural approaches to Chalfont Common.

Chiltern National Landscape

14.30. The Countryside and Rights of Way Act 2000. Section 82 of the Act places a legal duty on public bodies to further the objectives of the designated landscape. These duties are to seek to further the purpose of conserving and enhancing the natural beauty of the NL.

14.31. An updated management plan for the Chilterns National Landscape, 2025-2030 was approved on 19th June 2025 and includes a number of relevant aspects related to setting.

14.32. The appeal scheme (and the developable area of the Site) does not lie within the NL itself, whilst the edge of the NL is formed by a strong belt of woodland (Shrubs Wood), which lies adjacent to Gorelands Lane. The parties agree that there would be no effect on the NL itself and no views from within the NL which would be affected. The proposed development would therefore not harm the NL.[6.28]

14.33. The difference between the parties is whether the proposed development would have an adverse effect on the setting of the NL. The proof of evidence submitted by the Council's landscape witness found that there would be no significant adverse landscape impact on the character and setting of the Chilterns National Landscape. However, her rebuttal proof and evidence to the Inquiry was that the degradation of views from public footpaths towards the NL would undermine the experience and perception of its special qualities. The development would be visible from CSP9/5 and CSP8/1. CSP8/1 would be separated from the proposed built development by a distance of more than 400m and from CSP/9 by a distance of 182m and 298m (ID29). Whilst I found that there would be a moderate adverse effect on views at Year 15 in relation to the latter, there would be no built development in views from this footpath towards the NL. In addition, there are also some relatively distant views in which the current view of the outer, treed, 'face' of the NL would be occluded by built form.

Having regard to the distance and the proposals to enhance and reinforce the existing landscape features, I agree with the appellant that this would give rise to a minor adverse effect on the setting of the NL. [7.38,8.21]

Colne Valley Regional Park

14.34. The CVRP's aims include maintaining and enhancing the landscape and resisting urbanisation and safeguarding countryside from inappropriate development.

14.35. The Colne Valley LCA records that Chalfont St Peter is not widely visible from the character area and that there are blocks of woodland on the skyline of the elevated area to the west of the Colne Valley. It is also recorded that the valley itself is not readily apparent from the margins of the area. Although the LCA identifies the risk of settlement growth leading to coalescence between Chalfont St Peter, Horn Hill and Maple Cross, there is no evidence to indicate that the proposed development would contribute to such coalescence.

14.36. The CVRP which is a non-statutory designation for landscape amenity and various active uses of the land for cultural and recreational purposes. The peripheral urbanisation of part of this area would be outweighed by the enhancements to the unbuilt area (the portion of the site which lies most within the CVRP) and to accessibility using the footpaths there.

14.37. The appellant considers that the proposed landscape scheme would deliver some of the key aims and objectives of the Colne Valley Regional Park (CVRP). These include enhanced access to the countryside through new publicly accessible routes, providing greater connectivity for recreational use; a net gain in green infrastructure provision which provides landscape and biodiversity enhancements.

14.38. Whilst the area of CVRP has a relatively poorly defined edge it will evidently be reduced at its edges to facilitate the proposed scheme. The Council contend that the scheme fails to maintain and enhance the landscape and scenic value of this area of CVRP, instead introducing a substantial new settlement block into a rural plateau that forms part of the separation between Chalfont St Peter, Horn Hill, and Maple Cross.

14.39. I found above the proposed development would not harm views from the CVRP. Moreover, there is also an opportunity to enhance and maximise the CVRP towards Chesham Lane to take into account the sports uses being proposed, as well as the new linear woodland with walks forming part of the new public access provision. In addition, there are green fingers that permeate through the proposed scheme to the existing settlement edge.

14.40. Overall the proposed development of the Site will not alter or curtail the wealth of recreation and activity resources and cultural activities that include sailing, fishing, walking or cycling within the CVRP.

14.41. The proposal would protect the Chilterns NL in accordance with Core Strategy Policy CS1 and paragraph 189 of the Framework. However, there would be some minor adverse harm to the setting of the NL contrary to Policy CS22 of the Core Strategy. There would also be harm to the character of the landscape and visual harm particularly to those using the PROW. Such harm is also contrary to Local Plan Policy GB30 which requires development to be well integrated into its rural

setting and so conserve the scenic beauty and amenity of the landscape in the locality of the development. I agree with the parties that substantial weight should be accorded to the landscape and visual harm arising from the proposed development.

The effect of the proposed development on the Green Belt

14.42. The appeal site is located within the Green Belt and although the Site includes some PDL, the parties agree that it is inappropriate development. As such it is by definition harmful to the Green Belt and in accordance with the Framework this harm attracts substantial weight. The proposed development is also contrary to Policy GB2 of the Chiltern District Local Plan, which despite its age has a similar presumption against inappropriate development.

14.43. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposed development would introduce significant built form and activity in the Green Belt, as such, it would have a substantial adverse effect on openness. There would also be a substantial adverse visual impact, especially when viewed from the public footpaths that cross the site. Although the visual harm would be less from the more distant footpath views, such views are dynamic in nature, and the distance of some of the views does not reduce the weight to be afforded to the substantial visual harm to the Green Belt.

14.44. The proposed development would also conflict with some of the purposes of the Green Belt. Notwithstanding the moderate sensitivity of the landscape, purpose (c) of the Green Belt (preventing encroachment into the countryside) would be significantly affected by the 975 homes and supporting development. Both parties agree that there would be harm to purpose (a) – preventing unrestricted sprawl. The parties also agree that the Site only contributes moderately to purpose (b) – preventing the coalescence of neighbouring towns, on the basis that the gap between Chalfont St Peter and Chalfont St Giles would not be affected greatly by the proposed development. The perception of separate settlements would not be affected by the proposed development, and the 'gap' would be marginally reduced.

14.45. I conclude that in addition to the definitional harm to the Green Belt the proposed development would have a substantial adverse effect on openness, and visual amenity, particularly when viewed from the footpaths on the Site. It would also conflict with purposes a) and c), and to a lesser extent b) of the Green Belt. Such harm is contrary to Policy GB2 of the Local Plan and paragraphs 153 and 154 of the Framework. This harm attracts substantial weight.

Whether having regard to national and local planning policy the appeal site is in a location that is or could be made sustainable.

14.46. Core Strategy Policy CS1 aims to focus development on the built-up areas of the most accessible settlements, which include Chalfont St Peter. Policy CS4 sets out sustainable development principles. These include focussing on locations which are easily accessible by public transport, walking and cycling and which are provided with fast broadband services to reduce reliance on the car and the incorporation of cycle and vehicle parking appropriate to the needs of the site. In addition, for residential developments of over eighty dwellings, Travel Plans are

required. Notwithstanding the age of the Core Strategy this approach is broadly consistent with Chapter 9 of the Framework in that it promotes sustainable transport.

14.47. In particular, paragraph 117 of the Framework prioritises pedestrian and cycle movements and states that development should give priority first to pedestrian and cycle movements and facilitating access to high quality public transport.

14.48. A number of improvements to the pedestrian and cycle infrastructure are proposed. These improvements include a cycle route between the Site and Gerrards Cross Station and a footway on the eastern side of Chesham Lane. The proposed development also makes provision for an enhanced bus service.[7.64,7.65,9.56]

14.49. Whilst the Highway Authority previously had concerns in relation to the sustainability of the location, its current position is that the site is of a scale which creates a significant opportunity to provide a high-quality sustainability package, which delivers a genuine choice of transport modes for all occupiers of the site, whilst also benefitting the wider community.[9.50,9.51]

14.50. SENSE contends that there would be limited facilities for residents on the appeal site and few employment opportunities. The proposal would provide a number of on-site facilities, including a doctors' surgery, a small food retail store and employment opportunities, including a potential work hub. In addition, should the appeal be successful, the appellant proposes to use the receipts from the land sale to expand and improve its facilities on the existing campus. It is anticipated that this would lead to the creation of 102 additional jobs. [7.153,9.57]

14.51. Most facilities, including supermarkets, are in the centre of Chalfont St Peter or Chalfont St Giles and would be about a 30 minute walk or a 10-15 minute cycle from the appeal site. The route for pedestrians and cyclists between the site and the village centre crosses the A413 Amersham Lane. Pedestrians cross it using a zebra crossing across the A413, approximately 160m north of the Joiners Lane Roundabout, thereby facilitating pedestrian priority for travel to / from the village centre. The appeal site occupies higher land by comparison with the centre of Chalfont St Peter and the steepness of part of the route may be a deterrent for some people. There are additional facilities in Chalfont St Giles that would be accessible by the PROW that cross the Site. Nevertheless, there would be a small shop on the appeal site that would meet day to day needs, and the existing cafe within the Epilepsy Estate that is open to the public is close by. [9.52,9.54]

14.52. The proposed development includes provision for a primary school should it be necessary. It is likely that some children, particularly during the early phases of development would attend Robertswood School, about 15 minutes walk away. Some parties raised concerns regarding the absence of a suitable pedestrian route to Robertswood School due to the lack of safe crossing points and footpaths. However, the highway mitigation measures include a number of improvements to footpaths and crossings, that would address this matter.

14.53. The Site sits on the crest of the valley, approximately 40m above the level of the A413. This topography has an impact on the assessment of the sustainability

of the site and has been considered within the comments below regarding opportunities for improvements to the existing network. The provision of a significant number of dwellings, including affordable dwellings would help to re-balance the demographics of the area. Whilst I agree with SENSE that many people would not wish to carry heavy shopping back from the village centre, as acknowledged by SENSE some trips would be for social and other purposes and not all trips would involve carrying heavy shopping.[9.53,9.54]

14.54. The weight to be afforded to the travel survey by SENSE is limited, since only the Executive Summary was provided to the Inquiry. Moreover, it is based on 60 responses and does not include details of the age of respondents. Accordingly, it is not possible to ascertain the extent to which the results would reflect the views of the wider population in Chalfont St Peter.

14.55. Furthermore, the findings relate to the existing population and transport infrastructure. The proposed development would deliver a number of improvements to the cycling and pedestrian infrastructure, as well as a significantly enhanced bus service. In addition, there would be employment opportunities on the appeal site and the demographic of the population is likely to be lower.

14.56. The proposal includes a mobility hub, secured by a planning obligation. This will accommodate car club bays with EV charging; secure and sheltered cycle parking; bike repair stand / pump; covered waiting for public transport; Digital traveller information and wayfinding and package delivery lockers.

14.57. The proposed development provides for a bus service that passes through the site and would operate at a 30 minute frequency. This service would be secured by way of a financial contribution payable over a five year period. It is proposed to extend the existing 106/107 service to provide connections to the south of Gerrards Cross and Slough and would link to the leisure centre, Chalfont Community College, Wexham Park Hospital, rail connection at Gerrards Cross on the high-frequency Chiltern Main Line, also enabling Wycombe and connections to Oxford and Birmingham as well as fast access to London.[7.69,7.70,7.65,9.58,9.59,9.60]

14.58. The provision of the bus service would also allow employees at the Epilepsy Centre, the care home, primary school and retail facilities to access the site by bus. There will also be potential for visitors to those patients living on site and those needing to access the site for appointments to travel by bus, particularly outside of peak hours.

14.59. It was suggested by SENSE and some interested parties that the preference would be for a link to Chalfont and Latimer Station, since in addition to providing services to London and Aylesbury Vale it is also served by the London Underground Metropolitan Line.

14.60. Gerrards Cross Station is closer to the appeal site than Chalfont and Latimer Station. The preferred route would to a large extent depend on the destination. However, there is a frequent train service of over 6 trains per hour from Gerrards Cross. This would be an attractive option for many residents and others using the site. Moreover, should occupants prefer, there is a bus service linking Chalfont St Peter with Chalfont and Latimer Station, but it runs from the village

centre and therefore given the distance is unlikely to be attractive to residents of the appeal site.

14.61. Notwithstanding this, I am satisfied that with the enhanced bus service linking with Gerrards Cross the proposed development would provide a genuine choice of transport for future residents.

14.62. It was suggested by SENSE that the bus service would not be viable once the subsidy ceases. The bus operator confirms that the residential element alone of the development proposals is likely to be sufficient to ensure the operation of the 30-minute bus service through the proposed development would be commercially viable. As such it is likely to endure beyond the period of the subsidy. SENSE contend that this comment was based on incorrect information, particularly in terms of the build out rate for the proposed dwellings and other uses. In a further note to the Inquiry the bus company stated that the commercial viability of the enhancement and extension of the bus service into the site includes the Bus Service Improvement Plan, the stimulation of demand along the bus service corridor from the increased frequency of the service and the potential for further development along the route corridor. It nonetheless states that even if these other elements were to fall away or fail to deliver as expected, the credibly identifiable revenue from the potential development completion is such that it would expect to retain a half hourly service in the long term.[9.59,9.60

14.63. In support of this position the bus operator advised that the local area has benefited from a recent network enhancement package, that included an ambitious package of uplifts to bus frequency and connectivity in the immediate area, including the 101/104 service in the Chalfonts. Within the first 5 weeks of operation there was a growth in patronage on the whole route group of just over 21%.[7.69,7.70]

14.64. Gerrards Cross train Station is located approximately 4km from the site access to the south. This equates to an approximate 15-minute cycle ride. The submitted Transport Assessment states that Chalfont and Latimer Station is also located approximately 4km from the site to the north, however this measure appears to be a direct line of flight, and the routing is closer to 6.5km from the site via the B4442. The Chartered Institution of Highways and Transportation states that the majority of cycling trips are for less than 8km (5 miles), and these distances are therefore within this threshold. Having regard to the existing and proposed facilities, as well as the bus service enhancements, upgrades to pedestrian routes, I agree with the Council and the appellant that the location of the appeal site can be made sustainable.

14.65. I am conscious that the Inspector at the time of the 2005 appeal found that an enhanced level of public transport would not materially improve the sustainability of the site. However, that recommendation was made 20 years ago and was for far fewer dwellings than currently proposed. The appeal proposal differs from that scheme in that it provides for an enhanced bus service and includes employment facilities on the appeal site and at the National Epilepsy Centre, as well as a car club, shop and postal locker facility. It therefore differs significantly from the proposal considered at the time of the previous appeal. Moreover, the Council acknowledges that the proposals would ensure that the Site is accessible by a range of sustainable travel alternatives to private car use, and that the public transport improvements would be a benefit of the proposed development.

14.66. The submitted Framework Travel Plan sets out the strategy, aims and objectives for the sustainable travel to/from and within the proposed development. It also provides the framework for subordinate Travel Plans individualised to each development parcel, to be progressed by each site occupier/developer as the phases come forward and proposes a Travel Plan Coordinator for each subordinate Travel Plan. The Framework travel Plan does not set targets since it is an overarching plan, this would be a matter of the individual Travel Plans. This approach does not conflict with ATE's guidance.[7.71,7.73,9.64]

14.67. I conclude that the proposed development is situated in a location that could be made sustainable, and that the sustainability improvements would also benefit the wider community. In this regard the proposed development would comply with Policy CS25 and with paragraphs 115, 117 and 118 of the Framework.

The effect of the proposed development on the highway network with particular regard to capacity and traffic modelling

14.68. There is no objection on highways impact from the Council as Highway Authority.[7.51]

14.69. The TRICS data has been considered by the Highway Authority on a number of occasions, and it has agreed that the data is appropriate for use in the context of the development. The 5% discount in overall vehicle trips to represent the effect of homeworking on trip rates was also considered to be appropriate. On the basis of the evidence submitted to the Inquiry I am satisfied that the TRICS data provides for a robust assessment of the likely number of trips generated by the proposed development.[7.52,9.65]

14.70. SENSE considers there to be a number of flaws/anomalies with the appellant's STM and finds it to be inadequate. The STM has been adopted as the model to be used within Buckinghamshire for development purposes. It was also used in both the Beeches Park and Little Chalfont appeals. The appellant and the Highway Authority agree that the STM meets the relevant requirements contained within the TAG to be considered as fit for purpose. It assigns traffic to the network, allowing for redistribution over links within the study area as a result of additional loading on the network.[6.19,7.59,9.66,9.67]

14.71. Due to the difference between the observed traffic flows and the flows within the model on the A413 between the Site and Chalfont St Peter village centre, the model did not satisfy the validation test. As a consequence, a sensitivity test increased the flows such that the 85% threshold for the validation test was met. This additional modelling demonstrates that even with the increased flow the impact of the appeal scheme would not be severe and the Highway Authority agree that the model overall meets all the required tests for suitability.[7.55,7.56,9.69]

14.72. SENSE was also critical of the failure to include the Misbourne Avenue Junction with the A413 within the model. A sensitivity test in relation to the Misbourne Avenue junction showed that the junction would operate within capacity in the future assessment year scenario. The Highway Authority was satisfied that should traffic choose to use Misbourne Avenue, it would not cause an unacceptable impact on the highway network. Having regard to the submitted information, I agree with this view. [7.58]

14.73. SENSE contend that the model has created impossible or highly improbable outputs as shown on Figure 4.1 of Mr Barrett's Proof of Evidence (POE). However, this figure would appear to be taken from Figure 3.5 of the Transport Assessment Addendum which shows the differences between the Do Minimum and the Do something flows across the network. It does not provide details of actual development traffic flows, as this cannot be derived directly from the model, given that it redistributes traffic within each assessment scenario. It does not support the view that the outputs of the model are unreliable.[7.59,9.68]

14.74. The appellant explained that Flow difference plots are not used or relied upon in any of the assessments or conclusions of the Transport Assessment Addendum. The traffic impact assessment contained within the Transport Assessment Addendum is based upon the junction turning counts, which are extracted directly from the model itself and were provided by Jacobs for use within individual junction capacity assessments.

14.75. A decrease in flows is noted on the A413 Amersham Road between Rickmansworth Lane and The Paddock. This is due to reassignment of traffic originating from the local vicinity which changes the junction at which it enters/exits the A413. [6.23, 7.59,9.66]

14.76. Parking provision will be made in accordance with the Council's adopted standards. SENSE is concerned that there would be an insufficient number of allocated spaces. This matter would be considered at the time of the reserved matters in relation to the layout of the site and would be dependent on the number, size and type of dwellings proposed. [9.71]

14.77. SENSE also raised a number of concerns regarding the detail of some of the mitigation measures proposed, including the proposed works at the junction with High Street. The precise details of such measures would be considered as part of the Highway Works Delivery Plan. The Plan would need to be submitted to and agreed with the Highway Authority. [7.60]

14.78. Overall, I conclude that, subject to the mitigation measures proposed, the proposed development would be acceptable in terms of its impact on the Highway network, and that the modelling relied upon by the appellant and the Highway Authority is robust. The proposal would therefore comply with Core Strategy Policy CS25, and it would also comply with the paragraph 116 of the Framework in that the residual cumulative impacts on the road network, following mitigation, would not be severe.

Whether the proposed development would be safe from flooding and avoid increasing flood risk elsewhere and whether it would comply with the sequential test

14.79. The Site is located entirely within Flood Risk Zone 1. The nearest main river is the River Misbourne, located approximately 0.6km to the west of the Site. The site is however, vulnerable to surface water flooding.

14.80. The EA's surface water flood maps were updated shortly before the Inquiry opened, and the Council and the appellant submitted a joint note setting out their respective positions.[110]

14.81. A technical note on flood and surface water drainage was submitted to the Inquiry. This outlined the drainage strategy for the developed and undeveloped

parts of the site. The drainage strategy incorporates infiltration-led SuDS features, including cellular storage structures, infiltration basins, and swales.[1.10, 7.74]

14.82. The differences between the parties relate to whether the proposed development would be at risk from surface water flooding, whether the sequential test has been satisfied and whether the proposal would lead to flooding in Chalfont St Peter due to the additional foul water drainage from the site, thereby exacerbating existing flooding issues.

Surface Water

14.83. A FRA was submitted with the application. Further information was provided in June 2023 and May 2024 as well as in a note to the Inquiry. The FRA is based on the 1 in 100-year storm event plus an allowance of 40% for climate change.[1.10]

14.84. The LLFA response to the May 2024 information did not object to the proposal subject to conditions. The overland flow path runs through the proposed development area and the proposed attenuation areas are within existing natural depressions. The appellant states that these areas can be realigned to suit the proposed development. The LLFA did not raise concerns with this approach.[7.78,7.84,8.36]

14.85. The 2025 flood map updates the main areas of potential surface water flooding on the site. These are broadly the same as those assessed in the FRA, but there is a small increase in pockets of surface water flooding around Skipping's Farm and the adjacent fields. The note submitted by the appellant explains that the changes in the surface water flood mapping are primarily associated with small, localised depressions in topography and minor changes to the main overland flow path, with an increase in flood extent in some places and a decrease in others. [7.74,7.75,8.35,8.37]

14.86. The appellant states that the drainage strategy would not change as a consequence of the updated maps and that the additional areas identified are expected to experience shallow and low-velocity flooding, primarily due to localised topographic depressions. The appellant acknowledges that site-specific hydraulic modelling will be required to confirm the safe accommodation of the flow route but contends that this is more appropriate at the detailed design stage, once the principle of development has been established.[7.77,7.78]

14.87. Prior to the update to the EA's flood maps the LLFA noted that there were pockets of medium to high areas of risk along the surface water overland flow route but did not consider that this in itself made the proposed development unacceptable provided suitable conditions were imposed.

14.88. The updated flood maps have altered the extent and location of surface water flood risk, but there is no evidence to suggest that this would materially reduce the developable area of the site or require a different drainage strategy from that proposed. The submitted drainage information includes modelling of the various catchment areas on the appeal site. Should updated modelling indicate a need for increased capacity, any adjustments can be accommodated within the proposed strategy.

14.89. Flood risk is subject to change, and indeed the FRA provides for a 1 in 100 year risk and a 40% allowance for climate change. As explained by the appellant, the illustrative masterplan provides sufficient flexibility to accommodate any necessary variations. Attenuation features could be accommodated outside of the developable area if necessary. I find that the changes to the mapped flood extents would not materially affect the current drainage concept or require a reduction in the developable area.

14.90. Overall, I conclude that even on the basis of the updated flood risk maps the risk is relatively minor and localised within the site. Having regard to the drainage strategy, the size of the developable area and the need for detailed modelling at the time of the reserved matters, I am satisfied that the number of dwellings proposed could be accommodated within the appeal site. There may be implications for the mix of dwellings, but I find that the flood risk could be managed as part of the detailed design process and future occupants would be safe for the lifetime of the development and the proposal would not increase flood risk elsewhere.

Sequential Test

14.91. The need for a sequential test has changed throughout the period since the original application. At the time the application was submitted a sequential test was not required. At the time the Statement of Common Ground was prepared the appellant accepted the need for one and it was submitted in August 2025 in response to the Council's Statement of Case. However, shortly before the Inquiry was commenced PPG was updated, and the appellant's position is that a sequential test is not now required since there is clear evidence that the scheme would be safe.[7.83]

14.92. In my view the evidence submitted to the Inquiry demonstrates that the surface water flood risk could be managed to ensure that the development would be safe for its lifetime, although further detailed design would be required. As a consequence, a sequential test is not necessary. However, should the SoS disagree, I have assessed the adequacy of the submitted sequential test.

14.93. The appellant's sequential assessment found one sequentially preferable site in the area of search (Land Between Lodge Lane and Burtons Lane, Little Chalfont) but did not consider it to be a suitable alternative, as its scale only provides for a proportion of the size of the development considered necessary for the Society to deliver its charitable purpose. The aim of the sequential test is to steer development towards the areas of lowest flood risk including surface water flooding.

14.94. The Council was critical of the sequential test due to the area of search, the 25% buffer applied to the site area, the planning constraints and the failure to assess smaller sites. PPG requires the sequential test to be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.[8.40]

14.95. The sequential test confirms that the geographical area was not agreed with the Council. The assessment identifies the East Planning Area of Buckinghamshire (the former Chiltern Area) as the area of search. This is the area that the development plan relates to and was also the basis agreed by the parties for the assessment of housing land supply. The Council's position is that

the search area should include the whole of Buckinghamshire due to the scale of the proposed development. However, it is noted that Buckinghamshire as a whole has a 2.2 year housing land supply with a net housing need of 69,000. Therefore, realistically the prospect of finding a suitable alternative site at a lower risk of flooding is likely to be low. I conclude that the Chiltern District forms a logical and reasonable basis for the search. It is an suitable area to study, since both parties consider it to be an appropriate basis for assessing the housing requirement. [6.5,7.87]

14.96. In assessing whether there are any alternative sites the appellant applied a +/- 25% buffer to the capacity of the site search. This generated a range of comparison sites able to accommodate between 731 to 1,219 homes across 59 to 98 hectares. The Council contends that this figure is inappropriate since it includes 30 hectares of open space which is not a development requirement and therefore may well exclude suitable alternative sites. The Council also submit that the appellant failed to consider whether the development could be accommodated on multiple smaller sites. [7.88]

14.97. The appellant used a number of sources, including the Buckinghamshire Council East Planning Area Five-Year Housing Land Supply Position Statement (January 2025) and open market sources to identify potential sites. Given the limited number of sites in the area of search that meet the size and flood risk parameters to accommodate the entirety of the proposed development, the search was expanded to include smaller sites capable of accommodating the proposed development cumulatively. The sites suggested by the Council ranged from 19.25 ha to 38.65 ha. The responses to the Council's Call For Sites were also considered. Many of these sites are small (under 2.0ha) with only 4 sites over 10ha in area (excluding the 4 that were assessed). The appellant found that they did not have a sufficient relationship such that they could be considered a series of sites which, when interconnected, could deliver the same benefits or quantum of development as the proposed development. The Council offered no evidence to the contrary. All of the larger sites were assessed.

14.98. Whilst the inclusion of the 30ha of open space may have limited the options in terms of alternative sites, the widening of the search included sites from 19.25ha and above. There were no sites in addition to these suggested by the Council. Therefore, the sequential test considered reasonably available sites.

14.99. The Council's other criticism is that the sequential test has discounted sites as not sequentially preferable because of Green Belt planning policy constraints, in the absence of any comparative assessment is made of the impact on the Green Belt.

14.100. In total 4 sites were assessed. Land to the north of Bell Lane, Little Chalfont (38.65ha) was discounted because it is located within high-scoring Green Belt land which preserves the gap between Little Chalfont and Amersham. Gore Hill Farm, Amersham (45.76ha) was discounted because it is Green Belt land and within the Chilterns National Landscape. Land at Parkwood Farm, Maltmans Lane, Gerrards Cross, was discounted because it had a similar flood risk to the appeal site. I agree that these sites are unlikely to be suitable for the type of development proposed.

14.101. Land Between Lodge Lane and Burtons Lane, Little Chalfont has areas at risk of medium and high probability of surface water flooding. It was considered

to be sequentially preferable due to its minimal medium/high risk areas of surface water flooding and also because it benefits from planning permission. It has a capacity of about 380 dwellings and in the absence of additional sequentially preferable sites with which this could form a series, the scheme could not be delivered. The appellant also states that the site has planning permission and conditions are currently being discharged which suggests work will commence shortly on construction. This indicates the site is not available.

14.102. I conclude that the area of search, and the size of sites considered meet the requirements of the sequential test. The appellant's approach to planning constraints is not unreasonable, and the Council was unable to suggest any alternative sites either within the Eastern Area or Buckinghamshire more generally. Overall, I conclude that if the sequential test is required, it is met.

Foul Water Flooding

14.103. Extensive evidence was provided by SENSE in relation to the flooding from sewerage that occurs within Chalfont St Peter, causing disruption to local businesses and to the quality of life in the village. The seriousness of the situation is highlighted by the extensive measures implemented and proposed by Thames Water. These measures were implemented in December 2024 and involve tanking away effluent to reduce the pressure downstream.

14.104. The undisputed evidence from SENSE explained the impact of this flooding on both the village centre and on individual householders.

14.105. Chalfont St Peter is at the lowest point of the sewer in the River Misbourne Catchment which carries sewage from all settlements from Great Missenden down through Amersham to Chalfont St Peter before it turns left and goes in a very deep sewer across to the Colne Valley to the Maple Lodge Treatment works.[7.96]

14.106. Thames Water has invested £10M in the Misbourne Valley and onward to Maple Lodge. These measures include a tankering point, emergency pumps, extensive survey work and flow monitors. SENSE believe that these measures will not be effective during periods of high rainfall and high groundwater levels. [9.77]

14.107. SENSE submit that all the sewage from the site would eventually enter the sewer in the valley and flow through the centre of Chalfont St Peter. It believes that the sewage discharge from the application site would thus have a significant incremental effect on this problem. It also explains that the sewer has often been too full to conduct surveys even during dry periods and in the middle of the night. SENSE therefore seeks full modelling prior to the grant of planning permission.[9.80]

14.108. Thames Water have not objected to the appeal scheme, including in relation to capacity at the Maple Cross WWTW. It suggests that at the moment there would be insufficient capacity to take all of the waste from the development. Thames Water's position is that some 150 homes or the primary school could be delivered before upgrades are required, but it has also identified both a potential additional reinforcement of the system to deal with the entire development (a potential new 600mm pipe to the west of the site). In addition, works to the Maple Cross WWTW have been identified as necessary and will be

brought forward by Thames Water over the period during which the scheme will also be delivered.[7.80]

14.109. Housebuilders will have a statutory right to connect to the sewerage network. Thames Water will carry out the necessary modelling should planning permission be granted. It estimates that the modelling and any necessary upgrades would take about 20 months overall. I therefore do not consider that it is necessary for the modelling to be carried out before the grant of planning permission. Moreover, Thames Water has not sought a Grampian condition restricting the number of houses that can be delivered prior to any upgrades. This strongly suggests that it is confident that it could deliver the increased demand from the Site without detriment to Chalfont St Peter overall.[7.82]

14.110. Whilst the concerns of SENSE are understandable, Thames Water is responsible for the network. Given its position, namely that the scale of the proposed development does not materially affect the sewer network and it has no objection to the proposed development, I therefore conclude that the proposed development would not increase flooding outside of the appeal site.

14.111. Overall, I conclude that the site would be safe from flooding and would not increase flood risk elsewhere as such it would comply with paragraphs 181 and 182 of the Framework.

The Business Case for the Proposed Development

14.112. The Epilepsy Society provided evidence as to the role of the Society, the risk of insolvency, the benefits of the business case, the absence of alternatives and the s106 tie. [7.98-7.103]

14.113. In summary, the Epilepsy Society contends that it is at risk of insolvency without a significant change in its financial circumstances and the financial receipt from selling the land would place it on a more secure financial position in the long term as well as facilitating the enhancement and expansion of its services.[7.106,7.108]

14.114. An appellant's financial circumstances are rarely a material consideration in the context of planning decisions other than where there are issues of viability. However, in the case of this appeal such evidence is material in so far as the appellant contends that in the absence of the receipts from the sale of the appeal site, the Society is at risk of closure, and this could have significant economic and social implications. In addition, the benefits that may follow from the proposed enhancement and expansion are also dependant on the proceeds from the sale of the land and would similarly provide economic and social benefits.

Role

14.115. Based on the evidence submitted to the Inquiry it is evident that the Epilepsy Society provides lifechanging and potentially lifesaving services to sufferers of uncontrolled epilepsy and their families, as well as care for those with the most complex epilepsy. I have no reason to doubt the evidence of Professor Sisodiya regarding the importance of the work at the Epilepsy Society and the need for further research.

14.116. Compelling evidence was provided to the Inquiry by an existing patient with previously uncontrolled epilepsy treated by Dr Sisodaya at the Centre, as well as evidence from another party explaining the devasting impact of uncontrolled epilepsy on families.

14.117. SENSE questioned whether the Epilepsy Society was the only, or even the best placed body to undertake further research and also suggested that patients could be seen elsewhere in the country should the Epilepsy Society need to close. Notwithstanding this, the need for additional research into epilepsy was not disputed.

14.118. Although SENSE submitted examples of other charities that worked with epilepsy there was no evidence to suggest that these fulfilled a similar role to the Society. Moreover, I have no reason to doubt the evidence provided by Professor Sisodiya that it was the last port of call for patients with uncontrolled epilepsy and the importance of the co-location of services (from bench to bed) in order to maximise the benefits. Undisputed evidence regarding the contribution that the work at the Society has made to national and international research in relation to epilepsy was also provided by the appellant.

Solvency

14.119. The appellant contends that without a major change in the Society's financial circumstances, it forecasts running out of cash during financial year 2029/30. This would require decisive Trustee action at least 2 years earlier, i.e. during financial year 2027/28.[7.108]

14.120. The submitted income and expenditure accounts show a decreasing operating surplus between 2018/19 and 2024/25. With the exception of 2018/19 there has been an operating loss each year. With the exception of 2024/25 these figures are based on audited accounts. I therefore consider them to be reliable and there is no suggestion to the contrary from the other parties.[7.106.7.107]

14.121. Going forward the Epilepsy Society forecasts, based on a BAU model (.e. without the expansion/upgrade of facilities), a continued downward trend in its finances. The Annual Reports include a Going Concern Statement for each year up to 2024/5. Going Concern statements should show that a charity is on a secure financial footing going forward and would be able to continue to operate. Each of these statements conclude that the Epilepsy Society has sufficient reserves to remain viable for a period of about 18 months from the date the accounts were audited.

14.122. SENSE contend that if there are concerns about insolvency that the Society would not pass the Going Concern test, however, since the Annual Reports look forward for a period of 18 months from the date the accounts are audited, and the fact that the Society may not remain viable beyond 2029/30 would not be reflected in the Going Concern reports. [9.5]

14.123. SENSE was critical of the Going Concern Reports in that they look forward for a period of 12 months, rather than 18 months. However, these reports rely on the information in the Annual Report which looks forward 18 months, moreover, the requirement is for a period of 12 months only.

14.124. The Going Concern Reports provide a relatively positive view of the Epilepsy Society finances going forward. They outline measures taken to reduce

operating costs and increase income. However, this does not necessarily mean that the Society is on a secure financial footing, due to the limited timescale covered by these reports. The income and expenditure accounts look forward over a longer period. They predict the Epilepsy Society becoming insolvent in about 2029/30. Nonetheless, it is also evident from the Annual Reports that the Epilepsy Society has considered the longer-term future of the Society, including the circumstances that may arise should this appeal be unsuccessful.[7.116,9.7]

14.125. As explained by the appellant if the auditors do not require any warning about events several years ahead there is a risk that if the potential future insolvency of the Society was made public it could have an impact on, for instance, legacies, or just fund raising in general and contribute to the financial woes becoming a self-fulfilling prophecy.

14.126. The finances of the Society are influenced by a number of other matters. These include the need to address the deficit in the final salary pension scheme, the impact of increases in wages, including the minimum wage and national insurance and the fluctuating nature of donations.[7.116]

14.127. Although the Society received a profit of £8.5M from the sale of some land in 2019, this is being used in part to reduce the pension deficit, address maintenance/improvement issues on the Estate, including the purchase of a generator, and as part of the Society's reserves. The Annual Accounts indicate that the designated fund has reduced year on year and by March 2024 it stood at £3.5M. In addition, there have been a number of one -off receipts during this period, including a donation of £1M and the funding of New House.[7.106,7.115]

14.128. The appellant does not dispute that it has sufficient cash reserves at the present time. The difference between the parties is whether going forward the Society is likely to become insolvent. The appellant's forecast anticipates that the cash reserves would be exhausted by 2029/30. The business report was updated at the time of the appeal and sets out the assumptions underpinning the forecast. [7.113, 7.114,7.135]

14.129. The Council suggest that the net assets during this period were between £25.2M and £28.2M, however these assets include the value of land and investments. For the purposes of that forecast the appellant stated that most income and expenditure is assumed to increase by an annual inflation estimate of 3% per year. The amount being spent on planned and reactive maintenance will be £510k per year from 2025/26 onward and the cost of operating the care services would exceed inflation. The appellant contends that the current MRI equipment would no longer generate income from clinical activities from 28/29 onwards, since it will fall short of the technical specifications required by then. In addition, it continues to make contributions to the Defined Benefit pension scheme with the final contribution planned for March 2030. [8.56]

14.130. Since these figures are a forecast, there can be no certainty that they will be realised since they are reliant on a number of factors outside of the control of the Society. These include the rate of inflation in coming years, changes to the minimum wage, and the success of fund raising. There are significant costs associated with maintaining the Estate as referenced in the Annual Accounts and the need to address the pension deficit will continue until about 2030. The cash reserves of the Society increased significantly in 2019 following the receipt from the sale of land. Since then, they have continued to decrease each year, and at

March 2024 amounted to £2.4M. As acknowledged by the Society this is in part due to £8M being deposited in an investment account (the Cazenove fund). Nevertheless, even taking this into account there has been a significant reduction in the Society's cash reserves in recent years.

14.131. The appellant accepts that its net assets exceed its liabilities and that despite the decline in net assets from £39.8M to £32.8M, overall funds have been relatively stable. However, the net assets of the Society include buildings and land and therefore do not provide a realistic indication of the financial health of the Epilepsy Society.[7.113,9.29]

14.132. The net current assets reduced from £18.1M in 2019 to £5.6M in 2024.[80] Although there was a fall across all years, the most substantial falls in 2023 and 2024 represent the investment of about £8.0M funds in Cazenove. Whilst this accounts for the sharpness of the fall over this period even if the funds had not been moved there would remain a marked decline in assets.

14.133. Evidence to the Inquiry from Professor Sisodiya suggests that the current MRI scanner no longer offers significant benefits over those found at other locations and there is a risk that it would need to be replaced in the next few years. Should it not be replaced the Society would be likely to lose the income it receives from scanning and would be unable to deliver the optimal service to epilepsy sufferers.

14.134. The Society's position is that even calling on the Cazenove funds, its resources will dwindle and it would be left unable to pay its bills in 2029/30. The Councilsubmits that insolvency is not inevitable if the Society considers alternatives, including the sale of a smaller piece of land and additional fundraising. These alternatives are considered below, but nonetheless lend support to the Society's position, namely that it needs to generate additional income if it is to remain solvent. Due to unknown variables such as wage increases, inflation, care costs, and the success of fundraising, it may be that the Society will not become insolvent as early as 2029/30. However, having regard to the existing trajectory, despite the extent of the Society's net assets, in the absence of any additional income there does however appear to be a likelihood that it would be insolvent by 2029/30 or soon thereafter.

Business Plan

14.135. The business plan aims to provide a long term more sustainable strategy for the future of the Epilepsy Society. It is intended to use the receipt from the sale of the land to provide updated facilities and equipment, as well as furthering the purposes and aims of the Society particularly with regard to research. Whilst the business plan is to some extent driven by the risk of insolvency that is not its only purpose. There is string support for the business plan from UCLH and UCL. [7.119, 11.2 -11.6]

14.136. The proceeds from the sale would deliver two main elements. The first is the provision of new medical service equipment including the MRI and TDM equipment and refurbishment of space to accommodate them, to facilitate the

[80] Current assets are short-term resources expected to be converted into cash, sold, or used up within one year (or operating cycle) to fund daily operations. Net current assets are current assets minus liabilities.

improved diagnostic analysis of patients in the UCLH managed hospital at the Chalfont Centre. The second is the construction of the Research Building and the commissioning and seed-funding eight teams of researchers to be housed in a new research building, to facilitate both clinical research into epilepsy but also for exploratory "wet lab" research. [7.120,9.17]

14.137. The appellant contends that a number of benefits would be provided by the proposed business plan. These include cutting edge research, the provision of additional employment, allowing the Society to further its purposes, treating additional patients and savings to the NHS.[9.15]

14.138. The appellant states that the current MRI scanner no longer provides optimal clinical MRI scanning or pioneering research to generate advances that help people with epilepsy. The upgrade to the MRI equipment would cost £14.5 M. It would also enable the Society to offer epilepsy specific scans to other epilepsy centres. In addition, the Society wishes to take advantage of the opportunity afforded by magnet encephalography equipment that would need to take place in a magnetically shielded room and is estimated to cost £2.2M. [7.120]

14.139. The Society proposes to invest £2.9 million to deliver the most up-to-date instrumentation for the TDM service, that tests a range of anti-epileptic drugs. At present the current unit processes about 20,000 to 21,000 samples a year. The new equipment would increase capacity to 57,000 samples a year. The appellant explained that the work from this unit provides support for clinical trials. The appellant contends that the proposed investment would enable the Society to move 11,650 people with epilepsy each year from a state of uncontrolled seizures to being seizure free. This would be as a result of seeing more people and being more successful in its responses.[7.121,9.40]

14.140. The Society wishes to invest in state-of-the-art genome sequencing that has the potential to provide genetic discovery into unexplained epilepsies to replace the existing out of date equipment.[11.3,11.5]

14.141. SENSE questioned whether a new MRI scanner was necessary. Professor Sisodiya gave compelling evidence as to the benefits of the additional equipment. I am not a medical expert, but Professor Sisodiya is a consultant clinical academic and has spent over 30 years researching epilepsy. He is an international expert in complex epilepsies and received an Ambassador for Epilepsy Award in 2023 from the International League Against Epilepsy. I therefore consider that due to his clinical expertise he is best placed to advise on this matter, and do not doubt that a new MRI scanner would deliver the benefits he outlined.

14.142. Should the expansion, including the additional research facilities and equipment proceed, the number of jobs on the site are likely to increase. Whereas should the Society become insolvent there would be a significant loss of jobs and the existing care home residents (about 100 people with complex needs) would need to be relocated. In addition, the care currently received by epilepsy patients would need to be transferred to other facilities and the expertise currently at the Society would be lost. Both the expansion and the insolvency of the Society would have significant implications for those suffering from complex epilepsy. [7.123, 11.3,11.4,11.5]

14.143. There would also be potential benefits for the UK economy where people with epilepsy and in some cases their carers move off benefits and into employment, as well as saving to the NHS. The appellant originally estimated this to be £314M per annum, but following concerns raised by other parties the figure was reviewed and subsequently revised downwards. It would seem the original figure included other wider savings including from lost work and productivity. [7.114,7.126,7.127,7.135,7.155, 8.61,8.100 8.111,9.44,9.45,9.46,11.6]

14.144. The appellant's current position is that the savings to the NHS would be about £93M per year. The Epilepsy Research Institute estimate that the cost of epilepsy on the National Health Service (NHS) is about £2.0 billion annually. Of this it is estimated that the most acute 210,000 people cost £1.6bn, thus an average of £7,600pp pa. [CD 7.13]. Whilst there is some difference between the appellant's witnesses as to the precise saving through moving patients to a seizure free state to the NHS, it is evident that it would be substantial. Moreover, as detailed by many of those living with epilepsy the medical costs associated with seizures include ambulances, dental treatment and other costs. There would also be other savings associated with moving people off of benefits and increased economic activity.

14.145. Additionally, epilepsy has significant economic implications in terms of healthcare needs, premature deaths, and lost work productivity. Beyond the direct effects of the seizures, sufferers are subject to stigma and discrimination and require advocacy and promotion of understanding of the condition. Further facilities and research in order to lessen the effect of epilepsy on those living with it and their families would be a significant benefit of the proposal.

14.146. The importance of the Society is reflected in the Council's Economic Growth Strategy. This aims to focus on growing world-class economic and innovation clusters, including expanding Buckinghamshire's existing R&D capacity. The Strategy acknowledges that the Epilepsy Society is a world leader in the life science and MedTech sectors. The expansion would also accord with Government's Life Sciences priorities.

14.147. SENSE contend that there is no certainty that the research would be successful. Whilst this is correct, it is also true of all research, the purpose of which is to analyse evidence to increase understanding of the area studied for the advancement of knowledge. Therefore, the lack of certainty is intrinsic to research and not a reason not to pursue it, particularly as in this case, it has the potential to discover treatments that may or may not work and could provide life changing treatments. [9.21,9.32,9.41,9.42]

14.148. The submitted evidence, including that from supporters of the proposal demonstrates that epilepsy can be life limiting and can also prevent those suffering from it from living a full life including socially and economically. It also impacts on those living with, or caring for, people with uncontrolled epilepsy.

14.149. In addition to considerable social benefits there would also be economic benefits due to patients and carers potentially entering employment. It was suggested at the Inquiry that this would not be a benefit as such in that some of those employed in caring for epilepsy sufferers would no longer have access to that type of employment. I give this consideration no weight. Many carers are likely to be family members and even where carers are employed, it is likely that

there would be other caring or other employment opportunities available to these carers. Moreover, morally it cannot be a justification for not allowing the expansion proposals that have the potential to help to benefit sufferers.

14.150. SENSE question the relevance of the Epilepsy Society in terms of epilepsy research and the treatment of patients. The fact that some services are provided by other organisations does not detract from the current work of the Epilepsy Society or its aspirations for the future treatment of epilepsy. Professor Sisodiya provided extensive evidence of the work carried out at the Epilepsy Society, in particular he cited the importance of the co-location of clinical care and research. This provides for holistic care, including evaluation, diagnosis, treatment and management and the global impact of research at the Society.

14.151. No evidence was put forward to suggest that there are other locations where research and clinical treatment for epilepsy are co-located. Even if there were other locations this would not detract from the aspirations of the Society. Moreover, UCLH states that "*There is literally nowhere else in the world that offers the combination of medical diagnosis, treatment and research for epilepsy that is available at the Epilepsy Society*." UCL states that the Society:"*is recognised as worldwide as a leader in the field of epilepsy. From the very start, the charity has been built on innovation, courage and the driving ambition to do what is right for people with epilepsy*." I therefore give substantial weight to the importance of the Epilepsy Society in the treatment of Epilepsy both nationally and worldwide.[11.2,11.5]

14.152. Other criticisms of the business plan include the approach to VAT on the proposed research building and whether the research teams would be funded going forward. The appellant provided a note to the Inquiry explaining that VAT had been calculated in accordance with advice from specialist VAT advisors. The appellant was also clear that it intended to seed fund research and once established it would be funded by grants and fund raising.[[7.130]

14.153. I conclude that the business plan would deliver clear benefits in terms of the sustainability of the Society and the care of those suffering from uncontrolled epilepsy, as well as those resident on the site. It would also deliver significant economic benefits in terms of helping to move people off benefits, as well as savings to the NHS and benefits to the wider economy.

Alternatives

14.154. The ES and Business Plan considered alternatives to the proposed development. These were discussed in detail at the Inquiry with the Council and SENSE outlining additional areas that could be explored. The appellant discounted remaining on site and continuing to operate on the current basis due to the risk of insolvency. [7.136]

Reducing the activities of the Society to the bare minimum

14.155. This would require the closure of the care services and the change in the nature of the Society to a small fundraising organisation. It would also still entail the closure of the site since the cost of running and maintaining it would be too great.[7.137]

Relocation

14.156. The relocation of the Society to an alternative site would incur considerable relocation costs, including the need to provide new facilities at a different site, this would involve medical equipment, laboratories and care home facilities. Due to the specialist nature of the facilities and care the Epilepsy Society provides patients travel considerable distances. Therefore, it would need to remain in a location that is reasonably accessible to as many patients as possible.[7.138]

14.157. Whilst the Society could monetise the value of the estate, it estimates that the cost of relocating to another site would cost about £100M in addition to any land costs. Such a move would also break the link with the co-located NHS services. There would also be practical and social implications of such a move. These include moving about 100 care patients who currently live on the site and have done so for many years, as well as losing the expertise of the staff they currently employ.

Other Options

14.158. The Council and SENSE dispute the financial need for the development, including the insolvency risk, the need for the proposed expansion of facilities and the financial saving to the NHS. Both SENSE and the Council suggest that there are alternative means of delivering these benefits, that would not require the proceeds from the sale of all of the land that is the subject of this appeal.[8.56,8.57]

14.159. The MRI and TDM machines are intended to generate income for the Society and would be accommodated within refurbished laboratories. The Council estimate the cost of this to be about £30M and these would deliver a profit of about £2M a year, which it believes would avoid insolvency in 2029/30. In order to fund this the Council suggests a that a smaller portion of the Estate would need to be made available for development. It considers that the land within the now withdrawn Site Allocation Plan, together with the PDL at Skipping's Farm may provide sufficient income to fund this.[7.14,8.57]

14.160. SENSE and the Council suggest that the cost of the equipment could be realised either through fund raising, or by taking out loan or leasing the necessary equipment. SENSE suggests that the income derived from providing MRI services to others could be used to pay off any loans required or to continue leasing equipment. [8.64]

14.161. The appellant contends that there is a substantial lead time associated with the new equipment and that this relates not just to their commissioning and manufacture of the equipment, but also to the refurbishment of space to accommodate it and the re-allocation of facilities and recruitment of staff to make best use of the new machinery. The appellant's position is that is not realistic in the timescale available before the Society becomes insolvent.

14.162. SENSE contend that the Society should operate in a prudent manner. It referenced other charities that have been able to find other means of avoiding closure. The Meath Charity also provides residential care for epilepsy sufferers and is operating at a loss. SENSE advise that it has put in place an action plan to address this problem and as a last resort will return residents back to local authority care if a proper price cannot be agreed for their residence at Meath.

14.163. The Leonard Cheshire charity which faced financial difficulties and was at risk of insolvency took a number of steps to resolve this, including a tougher

approach in securing fee uplifts from commissioners. SENSE state that it is now in surplus as a result of these measures. The Epilepsy Society differs from these examples. It treats about 6,000 patients annually and undertakes research in conjunction with UCL and UCLH as well as providing TDM services for about 10,000 patients. The business plan aims to upgrade the existing equipment and facilities and to support the role of the Society in terms of research, advocacy, care for people with complex epilepsy and associated conditions such as learning disabilities and autism, medical services to people with epilepsy, and a wide range of training. Therefore, whilst it provides care services, it is not comparable with either Leanard Cheshire or Meath.

14.164. SENSE also proposed that the Society could monetise its research. The appellant explained that the Society's work is bound up with UCL and is not used for profit. Its research findings are open-source and for global benefit and their monetisation is not a source of funds available to the Society.

14.165. Both SENSE and the Council submit that if the appellant does not require the full £93M to remain solvent, and scales back or delays its expansion plans, it is therefore likely that it would require less finance, and in turn would need to release less Green Belt land. Whilst this may be the case, I am required to assess the scheme before me which involves the entire appeal site. The appellant's need case is reliant in part on its business plan. There is no alternative business plan before me, and therefore I need to assess the business plan on its merits. The harm to the Green Belt, and any other harm will be weighed against the benefits of the proposal.

Conclusion

14.166. Whilst there is no certainty that the Epilepsy Society would become insolvent in 2029/30, in the absence of significant investment it would appear that there is a likelihood that it may do so by that date or soon thereafter. Should the Society become insolvent it would have consequences for those suffering from uncontrolled epilepsy and their families, as well as those resident on the site. There would also be economic consequences in terms of loss of jobs, loss of value from previous investments, the loss of a pool of specialists, together with implications for Buckinghamshire's Growth Strategy.

14.167. Both SENSE and the Council questioned the benefits of the business plan, however, neither suggested that it would fail to deliver the long-term stability sought by the Society or the benefits of the additional equipment and facilities to epilepsy sufferers. It is evident that the economic and social benefits would be considerable. [8.58]

14.168. The Society provided evidence as to the alternatives it considered and provided cogent reasons for pursuing its business plan. Both the Council and SENSE suggest that a wider range of alternatives should be considered. Whilst these alternatives may provide some benefits and assist with the solvency of the Society they would fail to deliver the package of benefits desired by the Society. Furthermore, whilst a less ambitious scheme may deliver some benefits and reduce the amount of Green Belt land required, that is not the scheme before me.

14.169. Overall, I conclude that there is no clear evidence as to the need for the full extent of the expansion proposals in order to maintain the solvency of the

Society. Notwithstanding this, it would provide considerable benefits in terms of the long-term sustainability of the Society, and more importantly benefits for those suffering from uncontrolled epilepsy. These benefits in turn would provide savings to the NHS and the wider public sector, as well as economic benefits and contribute to the Buckinghamshire's Growth Strategy. I therefore afford the benefits arising from the appellant's business case substantial weight.

Other Considerations

Housing supply

14.170. The housing land supply was assessed against the requirement for the Chiltern and South Bucks Council area using the standard method. It is agreed that the Council can only demonstrate a 0.75-year supply of housing sites for the five-year period 2024-2029. The position is slightly better when considered across the District as a whole in that the Council can demonstrate 2.2 years housing land supply. The emerging plan is at a very early stage and identifies a need for 69,000 dwellings for the period up to 2045.

14.171. The appeal proposal would make a significant contribution towards the housing land supply for the Chiltern and South Bucks Council area increasing it to 1.63 years. But it would still remain unacceptably low. This is a reflection of the scale of the shortfall. The affordability ratio of 16.57 is one of the highest outside of London. [7.11]

14.172. The appellant states that delivery can commence within the third year of outline planning permission being granted as a preferred development partner has been identified.[7.158]

14.173. Given the withdrawal of the Chiltern and South Bucks Local Plan in October 2021, and on the basis of the evidence submitted to the Inquiry, it is probable that the housing position will continue to worsen until a new Local Plan is adopted. The Council expect to submit a new Local Plan for examination by December 2026. Whilst this seems ambitious, even on this basis allocated sites are unlikely to come forward until December 2027.

14.174. In this context the delivery of 975 dwellings, including 15 custom build/self build plots, would be a substantial benefit of the proposal.

Affordable housing

14.175. There is a difference between the parties as to the number of affordable homes required. The latest Local Housing Needs Assessment (LHNA) seems to suggest there are 3,978 applicants in need of an affordable home. This is lower than the 6,327 required prior to the re-registration exercise that changed the eligibility criteria. Even this significantly lower figure indicates a pressing need for affordable housing. In the East Area there were 65 affordable dwellings delivered in the 3 years from 2020-2023. In 2021 Chalfont St Peter HNA identified a need for 400 affordable dwellings to 2040.

14.176. The appeal proposal would provide 50% of the dwellings as affordable homes, this would provide up to 487 dwellings for those currently on the waiting

list and would be a benefit of the proposal. This would comply with Core Strategy Policy CS8 and also with the Golden Rules at paragraph 156 of the Framework. I agree with the Council and the appellant that this is a matter of substantial weight.

Older Persons Housing

14.177. The Council and the appellant agree that there is a need for older persons housing to meet the needs of the aging population. Although this was disputed by some parties there is a clearly identified need for housing for older persons. The Council and the appellant afford this substantial weight. I agree with this view.[6.6]

Football pitches

14.178. At present the Society leases an area of land near to the Site entrance to Chalfont Saints Football Club. This is used to provide nine football pitches in total ranging from adult pitches to a mini 5x5 pitch. The land is enclosed by hedges and a tree belt and includes a shipping style container used as a club house.

14.179. Under the proposals the replacement pitches would have a linear alignment and would be spread across 3 separate, but adjacent areas. Seven pitches would be provided on Plot A, 3 on Plot B and 3 on the primary school site (Plot C). There would be an increase in the total number of pitches and an increase in the overall pitch area as well as the provision of a sports pavilion. These are all secured by a planning obligation.

14.180. The precise layout of the proposed Sport Pitches is a detail for reserved matters stage. Details of the football clubhouse/pavilion building and parking area would also be determined at reserved matters stage, and this detail will be secured by the planning obligation.

14.181. Sport England object to the layout of the new pitch provision which it describes as fragmented. For this reason, it considers that it offers a lower quality of provision. This view was shared by a number of other parties.

14.182. Two of the pitches are on the opposite side of the access road to the proposed development, but this would be an estate road where traffic speeds would be low and the illustrative masterplan indicates that the groups of pitches would also be enclosed by a hedge. This arrangement would allow for a dedicated crossing point. I therefore consider the proposed arrangement would not be harmful to children's safety. Children would only be playing on one pitch at a time, and should they need to cross the estate road it is likely that they would be accompanied by an adult. I therefore conclude that the proposal would provide enhanced sports pitch provision and the arrangement of the pitches either side of the access road would not give rise to a safety concern.

14.183. Sport England is concerned that two of the pitches would be part of the school and maintenance could be a burden on the football club. The other pitches would be in two separate, but adjacent areas. The s106 provides for the maintenance of the primary school pitches and therefore it would not place a burden on the football club. I conclude that the proposed development would comply with Core Strategy Policy CS28 and paragraph 88 of the Framework.

Heritage

14.184. There are no designated or non-designated built heritage assets within the Site. However, the Site is adjacent to the existing campus of the Epilepsy Society which contains five listed buildings. These are:

- Gott's Monument at The National Society for Epilepsy – Grade II Listed
- Passmore Edwards House at the National Society for Epilepsy – Grade II Listed
- Pearman House at the National Society for Epilepsy – Grade II Listed
- Milton House at the National Society for Epilepsy – Grade II Listed
- Greene House at the National Society for Epilepsy- Grade II Listed

14.185. The Site and the surrounding Epilepsy Society operational estate are intrinsically linked. It is where the initial Epilepsy Society buildings are located. The campus is focused on the area to the south of the Site. Therefore, whilst the Site no longer features any original buildings from the Epilepsy Society it is a key part of the history of the heritage assets immediately south of the Site.

Gotts Monument (Asset No.1)

14.186. Gott's Monument is situated at the entrance to the Epilepsy Society operational estate and was erected in 1785 by Sir H T Gott as a commemorative monument to mark the date of a hunt undertaken with King George III. It pre-dates the creation of the 19th century Epilepsy Society colony. Its significance relates mainly to its position along Chesham Lane as well as its surviving fabric. The asset is an important example of a historic milestone, alluding to 18th and 19th century road use, as well as a historic commemorative monument.

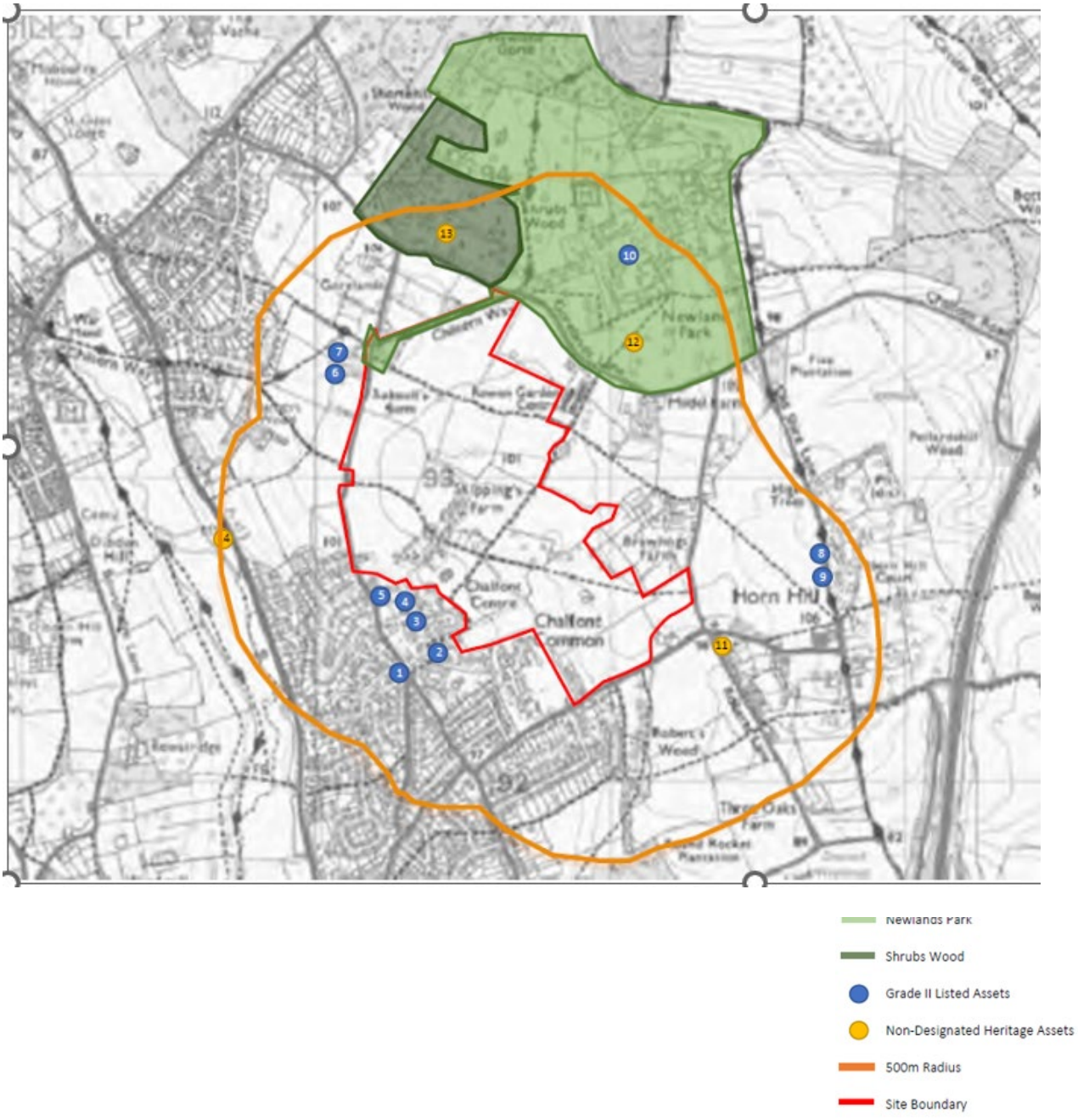
14.187. The monument was damaged by a lightning strike in 1879 and repaired by W Brown. It was later hit by a second lightning strike in the 1960s and reduced in height from 60ft to 20ft. The monument is surrounded by large trees and other greenery that reduces the visibility of the monument from the roadside, limiting the asset's ability to be experienced and appreciated. The large amount of overgrown greenery surrounding the monument also limits the ability to experience and appreciate the asset.

14.188. The reduction in size of the original Gott's Monument due to repeated damage and weathering has led to a detraction from the architectural significance of the Gott's Monument. When looking towards the Site from Gott's Monument, the Site is likely to be entirely out of view due to the urban form of the existing Epilepsy Society colony buildings. For this reason, I agree with the parties that it can be scoped out of further consideration.

Passmore Edwards House (Asset No 2)

14.189. Passmore Edwards House is listed as part of the Epilepsy Society operational estate. The house is significant architecturally in its own right, as an example of the Arts and Crafts Movement, but it has greater significance in a group capacity when considered in conjunction with other houses within the colony. The houses have high historical significance for being part of a pioneering epilepsy treatment facility. This was the first of its kind in Britain and dates back

to the 19th Century. It was named after was named after Passmore Edwards, an architectural patron in the 1890's and the principal benefactor to the Epilepsy Society colony.



Location of Heritage Assets (Taken from CD1.23 figure 4.1)

14.190. The original administrative function of Passmore Edwards House continues. Over time, there has been significant demolitions of original material that have reduced the historic and aesthetic significance of the asset. The overall floorplan of the house has changed due to extensions to the side and rear. The addition of these extensions has detracted from the architectural interest. The assets immediate periphery has also changed, with the removal of formal gardens to the front of the property as well as the removal of the original driveway.

Notwithstanding these alterations, the historic value of the asset can still be appreciated from Micholls Avenue. This is due to the retained group value of the asset alongside the other listed assets on Micholls Avenue, as well as the retained purpose of the building as the administrative building within the Epilepsy Society operational estate.

14.191. The setting of Passmore Edwards House is the Epilepsy Society operational estate. This has been altered over time, most notably including significant urban form changes brought about by the addition of a Care Home facility within the Epilepsy Society colony's former estate, to the immediate southwest of the asset. The Woodland Manor Care Home has also altered the urban form of the setting, as it can clearly be read as modern. This detracts from the overall historic character of the colony site.

14.192. The Site is to the east of the Epilepsy Society colony. Historically the Site has remained largely open space since the inception of the colony in the late 1800's and has therefore contributed to the wider rural setting of the Epilepsy Society operational estate. The openness of the Site makes a moderate positive contribution to the setting of the Passmore Edwards House.

14.193. The proposed development would not impact the significance of the asset nor the opportunity to experience or appreciate the asset, although there may be minor intervisibility. The immediate setting of Passmore Edwards House and its group value of the assets along Micholls Avenue would remain, along with its historic function as a medical facility for epilepsy. Overall, the proposed development would have a negligible impact on the Grade II Listed Passmore Edwards House due to the minor intervisibility between the proposed development and the asset.

Pearman House, Milton House and Greene House (Asset No 3, 4, & 5)

14.194. Pearman House, Milton House and Greene House are all part of the Epilepsy Society operational estate. Each asset is significant architecturally in its own right as an example of the Arts and Crafts Movement. The houses have high historical significance as part of a pioneering epilepsy treatment facility within the colony.

14.195. Pearman House is relatively unaltered. The demolition undertaken on the asset and subsequent low-quality extensions to the rear and northern side, developed in the late 20th century, detract from the experience and appreciation of the asset architecturally.

14.196. Despite these alterations, the primary view of Pearman House is from Micholls Avenue, looking east towards the front façade, has remained largely unchanged since construction in 1898.

14.197. The large number of alterations to Milton House has since detracted from the asset's architectural significance. The primary facade of Milton House, looking west towards the front façade, has remained largely unchanged since its construction in 1898. Despite this, the demolition undertaken on the asset and subsequent low-quality extensions to the rear and northern facades, developed in the late 20th century, have formed a detraction from the architectural significance of the asset

14.198. The setting of Milton House has been altered over time as can be seen in historical mapping. The addition of a number of urban forms to the east of the asset has detracted from the historical significance of the setting as a rural, farmland setting that was once experienced from the asset's front façade looking east.

14.199. The windows of Greene House have been replaced with UPVC windows, which detracts from the architectural significance of the asset. The asset is considered to have been subject to a number of other alterations including a small rear extension on the western (rear) façade and the addition of a small low-quality built form on the northern façade.

14.200. In conjunction with the extensions there have been a number of other alterations to the asset's immediate periphery. This is shown by the removal of a large rear porch and adjoining rear garden. The original porch has been replaced with a low-quality rear extension.

14.201. Greene House is surrounded by urban form within the Epilepsy Society operational estate from all viewpoints. This has reduced the historical fabric links present between the Site and the Epilepsy Society operational estate.

14.202. The immediate setting of Pearman House and Milton House has been altered over time. The loss of the extended gardens to the front of these buildings has reduced the importance of the setting when considering the architectural significance of the asset. The gardens enhanced the domestic nature of the building, which was a deliberate aim for the design of the Epilepsy Society colony.

14.203. The setting of all three assets beyond the Epilepsy Society colony, has also been altered overtime, most notably including significant urban form changes brought about by the growth Chalfont St Peter. Despite the highly urbanised wider setting of the asset, the presence of greenery and trees continues to disconnect the asset and its immediate setting from the wider Chalfont St Peter area. It can be concluded that the wider setting has no impact on the significance of the immediate setting of these assets.

14.204. Given the historic retention of the Site as largely open space, used for agricultural work by the Epilepsy Society, the openness of the Site makes a moderate positive contribution to the setting of these assets.

14.205. Overall, the proposed development would have a negligible impact on these listed assets. It would not be intervisible with the assets and would be obscured by other developments at the Epilepsy Society.

14.206. These assets are considered to have high group value, due to their historical significance as part of the Epilepsy Society operational estate. The group value helps to enhance the value of each individual asset, as it alludes to their historical and architectural significance and helps tell the story of the (Chalfont St Peter) Epilepsy Society. The group of assets have high architectural and historical significance, owing to their unique layout and design as an example of the Arts and Crafts Movement which housed the first medical facility of its kind, a pioneering epilepsy treatment facility.

14.207. The proposed development will not interfere with the group value of the Epilepsy Society colony, instead allowing for the retention of the activities of the

medical facility within the historic fabric of the Epilepsy Society colony. Retaining these medical facilities within the Epilepsy Society operational estate ensures these purpose-built facilities continue to be utilised whilst preventing the listed buildings from arguably losing historic interest that would come with relocating the Epilepsy Society. Ensuring that the significance of the Epilepsy Society colony's listed buildings as both a historic and contemporary facility for the treatment of epilepsy is retained.

14.208. A significant element of the Epilepsy Society operational estate, and indeed the wider Epilepsy Society estate, is its agricultural setting. The proposed development will take away from the rural extended setting of the Epilepsy Society colony estate, in turn replacing it with an urban development. This detracts from the original historic character of the area as well as the societal significance of the Epilepsy Society.

14.209. It should also be noted that the intended access route of the Proposed Development will utilise a short part of the Micholls Avenue to the north of the Epilepsy Society operational estate.

14.210. The close proximity of the proposed development and associated access to the listed assets, most notably Greene House, will detract from the historical significance of the assets, both with respect of the group value and individual significance.

14.211. The lack of significant separation between the Proposed Development and the listed assets within the Epilepsy Society operational estate will detract from the unique and historic domestic character of the listed assets, and the smallness of the domestic setting. The access of the Proposed Development, although provisioned to the north of the Listed assets, will further detract from the character of the group of listed assets as a small domestic colony with a rural and agricultural history. The addition of modern developments within the Epilepsy Society operational estate have already detracted from the historic character and immediate setting of the listed assets. The Proposed Development would further add to this detraction and may result in some limited harm to the listed assets and their group value.

14.212. In relation to the heritage assets within the Epilepsy Society operational estate, I find that there would be less than substantial harm near the lower end of the scale, due to the loss of the extended rural setting of the Epilepsy Society colony estate.

14.213. In addition to the assets within the Epilepsy Society operational estate, there are five additional heritage assets that are within 500m of the Site, these include:

- Ashwells Farmhouse – Grade II Listed
- Ashwells Barn – Grade II Listed
- Horn Hill Cottage and Shire Cottage – Grade II Listed
- Russet Barn – Grade II Listed
- Newland Park College of Education – Grade II Listed

Horn Hill Cottage and Shire Cottage (Asset No 8)

14.214. Horn Hill Cottage and Shire Cottage are two early 17th cottages with timber frame, extended in brick in the 18th and 19th Century. The grouping of Horn Hill Cottage and Shire Cottage holds a group historic value as an example of typical farming community dwellings, as well as contributing to the overall historic character of the setting.

14.215. The cottages are approximately c. 460m from the Site boundary, with open space occupying this distance. Due to the distance between the Site and the asset, and the dense hedging, it can be concluded that the Site and the asset are not appreciated or experienced together. It is concluded that the proposed development would make no impact on the setting of the assets and therefore the assets are scoped out of any further assessment.

Russet Barn (Asset No 9)

14.216. Russet Barn (Figure 4.9) is 17th barn with timber frame, repaired in the 18th and 19th Century. Together with Horn Hill Cottage and Shire Cottage it has a group value as a collective example of typical farming community dwellings, whilst contributing to the overall historic character of the setting. From the combination of the distance between the Site and the asset, and the dense hedging, it can be concluded that the Site and the asset are not appreciated or experienced together.

14.217. Given the distance between the Site and the asset, it is concluded that the proposed development would make no impact on the setting of the asset and the Site and the asset itself are not appreciated together. Therefore, the asset is scoped out of any further assessment.

Newlands Park College of Education (Asset No 10)

14.218. Newlands Park College of Education (formerly referred to as Newlands Manor) is listed for its special architectural and historic interest as an 18th century manor house and use as a college of further education in the 20th century. Newlands Manor is historically significant to the area of Chalfont St Peter as a principal symbol of the historic Newland estate, an important estate within the history of the Chalfont area. The asset's significance also derives from its use as an educational establishment. The asset also holds historic architectural significance as an example of 18th century architecture. It is located within the non-designated heritage asset, Newland Park.

14.219. Significant groundworks have occurred around the asset which have resulted in a change to the immediate setting of the asset and therefore a detraction from the setting to the significance of the asset. This groundwork is being undertaken ahead of a proposed development for which planning permission has been granted for apartments and dwellings alongside the demolition of a number of existing buildings. The Site is not present within the setting of the asset, nor is it appreciated and experienced at the same time as the asset. This asset is scoped out of further investigation.

Ashwells Farm and Barn(Assets No6 & 7)

14.220. Ashwells Farm and Barn are located along Chesham Road, which forms part the easterly boundary of the appeal site. The Appellant scoped out these assets in their Heritage Assessment [CD1.23] because of the distance and limited visual relationship between them and the site, stating that the development would be highly unlikely to be visible from the assets, nor within the same view as the assets. However, they subsequently acknowledged that there would be changes and it agreed with the Council that there would be there would be the lowest level of 'less than substantial harm' to these assets as a result of the development.

14.221. The significance of Ashwell's Farmhouse and Ashwell's Barn is derived from their historic, agricultural setting, which contributes to their architectural, historic, and experiential value. The appeal site, forms part of this wider landscape.

14.222. The proposed development would introduce built form into the open fields of the appeal site, thereby eroding the rural character and diminishing the experiential and historic qualities of the setting.

14.223. Views of the appeal site from the listed buildings themselves are currently screened by trees. More recent developments—such as the HS2 Headhouse and the 1970s expansion of Chalfont St Peter have weakened this historic association. The loss of the open field to the proposed development would erode the historic, open, and rural setting that contributes to the significance of these heritage assets. Such harm would be less then substantial and at the very lowest end of the scale.

14.224. I conclude that there would be less than substantial harm to Passmore Edwards House, Milton House, Peartree House and Greene House on the Epilepsy Centre operational site. I have also found less that substantial harm to Ashwell's Farmhouse and Ashwell's Barn. Paragraph 215 of the Framework requires that any harm to the significance of a designated heritage asset be weighed against the public benefits of the proposal. In accordance with paragraph 212, great weight must be given to the conservation of these assets.

Non Designated Heritage Assets

14.225. There are six non-designated heritage assets within a 500m radius of the Site:

- Horn Hill Village Hall – located to the east of the Site
- Newland Park – located immediately to the northwest of the Site
- Gardens at Shrub's Wood – located to the north of the Site
- Milestone on A413 to the South of Chalfont St Giles – located to the east of the Site.
- Skippings Farmhouse and Debenham House

Horn Hill Village Hall (Asset No 11)

14.226. Horn Village Hall is located to the southeast of the Site and is significant due to its historic interest as a social hall and Sunday school and within the wider history of the Horn Hill area.

14.227. This asset is situated within dense greenery and trees and although the asset is close to the Site boundary at c.50m, the proposed development will not have an impact on the significance of the asset, as the densely situated trees surrounding the Hall, as well as additional trees that stand between the Hall and the Site boundary (Figure 4.13) prevent the Site having a relationship with the asset.

14.228. The proposed development does not include any urban forms or dwellings to the southeast of the Site, adjacent to the village hall. The Site will be around a c.130m distance from the asset. Furthermore, despite many original features remaining, the Hall has had numerous modifications including an extension. These additions to the Village Hall have detracted from the architectural interest. Due to the above reasoning, the asset will be scoped out of further assessment.

Newland Park

14.229. Newland Park is located to the immediate northwest of the Site is part of a group of large 18th and 19th century landscaped parks that were once a 17th Century country estate. it is not only significant due to its group value alongside a number of dwellings and designed gardens within the grounds, but historically significant as an indicator of the history of the Chalfont St Peter area.

14.230. The Park is associated with the notable landscape designer Thomas Mawson and features a house, stable block and garden structures that create significant architectural importance. The Park also has archaeological significance with ties to medieval agricultural and woodland uses, particularly relating to the surviving ancient trees, banks, routes, boundaries, and buildings.

14.231. Newland Park is itself a setting and is enjoyed when walking through it and viewing it inwards to other parts of the 18ha park. There are currently minimal structures surrounding the park to the north, south and west, with country lane Gorelands Lane providing a transport link to the park from the southern boundary.

14.232. Despite the close proximity of the asset to the Site, and the absence of any visual obstruction caused by urban forms between the asset and the Site, the Site and asset cannot be experienced or appreciated together. As a mature Park dating back to the late 18th Century, the Park features areas of dense greenery and hedging that reside along the boundaries of the park which prevents the ability of the Site and Park to be experienced together.

14.233. Therefore, despite the Site being vacant farmland, alluding to the historic openness of the Chalfont area and associated estates (including the estate of Newland Park) the Site and asset are not intervisible nor is the Site visible from within the asset. As such, the Site and Newland Park are unlikely to be experienced or appreciated together. On this basis it is therefore considered that the Site makes a negligible contribution to the setting of Newland Park.

14.234. Overall, the Proposed Development will have a negligible impact on the Non-Designated Heritage Asset Newland Park. The Proposed Development proposes no development on the northern part of the Site nearest the asset, resulting in no impact the significance of the asset nor the opportunity to experience or appreciate the asset.

Gardens at Shrub's Wood (Asset No 13)

14.235. Gardens at Shrub's Wood are significant due to its Modernist interpretation of the traditional English country house and is an important example of "mature" Modernism. The Gardens are set within the woodland and parkland of Newland Park. The garden and structures are surrounded by informal lawns with shrub beds and specimen trees set within the late 18th Century parkland of Newland Park.

14.236. The approach to the route leading to the Gardens and House, is enclosed and surrounded completely by woodland from both Chiltern Woodland and Shrubs Wood. Although the setting is clearly significant to the history of the asset, this setting will not be experienced and appreciated with the Site, nor is the Site present within the setting of the asset, as the enclosed nature of the asset's setting protects the rural views and setting of the Gardens at Shrub's Wood. The situation of the Gardens within Newland Park gives the asset an even greater distance from the Site at c. 625m. It is concluded that the asset will be scoped out of further assessment due to the above reasoning.

Milestone on A413 South of Chalfont St Giles (Asset No 14)

14.237. The milestone on A413 South of Chalfont St Giles is significant due to its group value alongside other milestones on the London-Banbury turnpike road, as well as being evidence of the road network of a significant period, in this case, from an essentially post-Roman system of primary roads and local trackways. The key setting of the milestone is its situation on the road, at low level, as this alludes to the original purpose of the asset. As the Site is a great distance away and is not intervisible with the asset or the road, as the assets setting, the Site is not impacting or interruption this key relationship.

14.238. The rural setting of the milestone will not be impacted by the Proposed Development as it is some distance away, with the Site not being within the setting of the asset.

Skippings Farm and Debenham House

14.239. There is limited information available in relation to these two assets since they were not identified as NDHA at the time of the original application. It is indicated that these may be demolished, but the appellant stated that there was potential for them to be re-purposed and retained. Paragraph 216 of the Framework requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, the proposed development may give rise to the total loss of significance. A condition requiring the assessment of Skippings Farm and Debenham House is included in the recommended condition.

Economic Benefits

14.240. The proposed development would deliver significant economic benefits during construction and operation. It is estimated that there would be 1,380 full time equivalent job years over a period of 8.7 years. These workers will also support an uplift in local spend including on food and drink during construction.

The additional households in the Assessment Area arising as a result of the Proposed Development will support an uplift in local household expenditure including on retail, household goods, food and drink, local transport, recreation and leisure and other expenditure. The proposed development would deliver additional employment through the 2 form entry (2FE) primary school and the proposed commercial and retail space on the Site. I give this matter significant weight. [7.153, 8.103]

14.241. Should the Society become insolvent as a consequence of the dismissal of the appeal, there would be a loss of about 400 jobs. I acknowledge that there is no certainty that the Society would become insolvent, but as I have found above there is a likelihood that it would do so. I give this matter moderate weight.[7.149,8.117]

14.242. Whilst the proposed development would not in itself create additional employment at the Epilepsy Society site, the receipt from the sale of the Site would facilitate the projects and expansion outlined in the Business Case, which would in turn provide for the creation of additional jobs due to the new employees and researchers required to deliver its strategy, plus operational jobs associated with new R&D and I give it moderate weight.

BMV Agricultural Land

14.243. An Agricultural Land Classification Report was submitted in July 2025(CD16.1). The findings confirm that of the proposed developable area of the site there is 4 ha (7.5%) Grade 3a and 49ha (92.5%) Grade 3b land. As the Site is only partly BMV, it is of local significance only in terms of its potential loss and it does not exceed the call-in threshold for Natural England. The Parties agree that given the limited area of BMV, whilst the proposals would be contrary to paragraph 187b of the National Planning Policy Framework only limited harm is attached to this matter.

Other matters

14.244. *The 2005 decision*. The Inspector in the 2005 decision reached a different conclusion in relation to the sustainability of the location and the need for housing. This previous decision was for significantly fewer dwellings and did not deliver the sustainability enhancements provided by the current proposal. In addition, at the date of the decision the Local Plan required 1,800 homes to be delivered over a 15 year period, equating to 120 homes a year, and there was a Local Plan in place to guide the delivery of those homes. The current housing requirement for the area in which the appeal site is located in is 1,126 dwellings per annum, and the Local Plan is out of date. Therefore, the circumstances of this appeal, including the public transport and other sustainability improvements are such that the proposed development is not comparable with the 2005 scheme. I therefore accord the previous decision limited weight.

14.245. *Air quality and noise* The noise and air quality effects of the development can be made acceptable subject to appropriate mitigation to be secured via condition.

14.246. *Minerals and Waste* The site is within a Minerals Safeguarding Area. Policy 1: Safeguarding Mineral Resources of the Buckinghamshire Minerals and Waste

Local Plan (MWLP) applies. The appellant has demonstrated there is unlikely to be any mineral of value or potential value within the application area. The proposals are acceptable from a Waste perspective subject to conditions.

14.247. *HS2* The proposals do not affect the safeguarding zone and HS2 supports this position.

14.248. *Climate Change and Energy* It is agreed between the Parties that the range of measures in the proposed development to address climate change, energy sustainability can be secured through appropriately worded planning conditions.

Whether the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to clearly outweighed by other considerations

14.249. The proposal would cause definitional harm to the Green Belt and would cause substantial harm to the Green Belt through the loss of openness, visual harm and increase in activity. It would also conflict with purposes a) and c), and to a lesser extent b) of the Green Belt. All parties agree that this harm should be afforded substantial weight.

14.250. In addition, there would also be harm to the landscape character and visual harm, especially to those using the public footpaths that cross the site. This harm also attracts substantial weight. There would be a minor adverse effect on the setting of the Chiltern National Landscape and in this regard the proposed development would not further the purposes of the National Landscape. I afford this matter moderate harm.

14.251. The loss of BMV land is accorded minimal weight.

14.252. In relation to the heritage assets within the Epilepsy Society operational estate, I find that there would be less than substantial harm near the lower end of the scale, due to the loss of the extended rural setting of the Epilepsy Society colony estate. There would also be less then substantial harm at the very lowest end of the scale to the setting of Ashwells Farm and Barn.

14.253. In accordance with paragraph 212, great weight must be given to the conservation of these assets. Paragraph 215 of the Framework requires that any harm to the significance of a designated heritage asset be weighed against the public benefits of the proposal. The public benefits of the proposed development, including the delivery of market and affordable housing, and the substantial economic benefits are very substantial. I conclude that the public benefits of the proposed development would substantially outweigh the harm to the significance of these heritage assets. The benefits to epilepsy sufferers as a consequence of the improved facilities and equipment, together with future research would be a further substantial public benefit of the proposed development.

14.254. With regard to NDHA the Framework requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. As set out above, it is uncertain whether Skippings Farm and Debenham House would be demolished. There is also limited evidence as to their significance. Recommended condition 28 requires an assessment of their significance to be submitted at the time of the relevant reserved matters application and therefore this matter would be assessed at that time.

14.255. Balanced against these harms, the proposed development would also provide a number of benefits. These include the delivery of market and affordable housing in a location that could be made sustainable. I agree with the Council and the appellant that these matters should be afforded substantial weight, particularly given the woeful housing land supply and the fact that there is no mechanism in place to address this in the short term. The delivery of housing for the elderly is also a matter of substantial positive weight. The provision of self-build/custom build plots is a further benefit of the proposed development, and I accord it moderate weight.

14.256. The delivery of 50% of dwellings as affordable housing would comply with the Golden Rules in the Framework, and in accordance with paragraph 158 of the Framework I accord this matter significant weight. The proposal would also deliver significant improvements to public transport and sustainability, and this attracts significant weight.

14.257. The proposed development would provide significant economic benefits during and post construction, including the creation of employment. It would also facilitate the delivery of the Epilepsy Society's business plan, which turn would deliver further economic benefits as well as substantial benefits to those with uncontrolled epilepsy. These benefits each attract significant weight.

14.258. Whilst there is no planning permission or application for the R&D centre, as explained above many of the enhancements can be made without the need for planning permission. Moreover, there is little doubt that any financial receipts would be used to further the Society's purposes. Should the expansion, including the additional research facilities and equipment proceed, the number of jobs on the site are likely to increase. Whereas should the Society become insolvent there would be a significant loss of jobs.

14.259. The Council suggest that the need case for the Society is either not a material consideration, or if it is it should attract very little weight. The scope of material considerations is very wide. In general, the courts have taken the view that planning is concerned with land use in the public interest.[81] The weight to be given to a material consideration is a matter for the decision-maker. In this instance the public benefits that would follow from the business case are substantial for the reasons given above. Whilst the Site does not include the Society's operational land there is a clear link between the proposal and the public benefits it would provide. I give this matter substantial weight.[8.83,8.91,8.93,8.113]

14.260. The proposed development would provide 10 – 21% BNG. Although the Council questions whether the higher figure is achievable, even the lower figure of 10% would be a significant benefit of the proposal, particularly since due to the date of the original application BNG is not mandatory. The provision of public open space and play areas also attracts moderate weight. This matter is afforded moderate weight. The increased pitch provision and the provision of a pavilion also lend weight in favour of the proposal.

14.261. I have found above that the proposed development would be acceptable in terms of flooding, and that should the SoS find that a sequential test is required

[81] PPG Paragraph: 008 Reference ID: 21b-008-20140306

it is met. In addition, the proposed development would be acceptable in terms of its effect on the highway network. These matters are neutral, weighing neither in favour nor against the proposed development.

14.262. I find that these other considerations taken together clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm including the harm to landscape character and visual harm.

15. CONCLUSION

15.1. The proposed development would conflict with Core Strategy Policies CS22 and Local Plan Policies GB2, GB30 due to the harm to landscape character and appearance and the Green Belt. The weight to be afforded to the conflict with these policies is reduced, since they are out of date ad they are predicated on a much lower housing requirement by comparison with today, and it is accepted by the Council that Green Belt land will need to be developed in order to meet housing needs. I therefore conclude that material considerations, including the delivery of market and affordable housing and housing for the elderly, together with the other benefits of the proposal justify a decision other than in accordance with the development plan.

15.2. In reaching this conclusion, I have also had regard to the Public Sector Equality Duty under the Equalities Act 2010. Should the appeal not succeed there is a likelihood that the Epilepsy Society would become insolvent or fundamentally change the nature of its activities. Should it fail, the impact would be felt disproportionately, by those living with uncontrolled epilepsy and their families. This would have implications for them in terms of their health, including the risk of SUDEP, the potential for independence and economic and social fulfilment. It would also impact on those with complex needs currently living at the Epilepsy Centre. Alternatively, should the appeal succeed, it would benefit this group as a consequence of the increase in the number of patients treated and the possibility of new treatments arising from research.

16. RECOMMENDATION

16.1. I recommend that the planning permission should be granted subject to the recommended conditions and the submitted S106 Agreement, subject to the amendments to Schedules 7, 2 and 13 as set out at paragraph 13.44 above. I also recommend that Schedule 9 of the S106 Agreement should be deleted.

Lesley Coffey

PLANNING INSPECTOR

ANNEX A – APPEARANCES

FOR BUCKINGHAMSHIRE COUNCIL

Nick Grant instructed by:

Laura Lee Briggs , Assistant Team Leader (Planning and Highways)Buckinghamshire Council

He Called :

John Fannon MRTPI	Planning Consultant
Martina Sechi BSc. BE MALA CMLI	Landscape Consultant,
Patricia Moroney	Business Case Analysist,

Additional evidence:

Clare Jones BSc MRICS	Director, BPS Chartered Surveyors
Morwenna Breen-Haynes	Principal Heritage Officer, Buckinghamshire Council

FOR THE EPILEPSY SOCIETY

Rupert Warren KC instructed by Epilepsy Society

He Called:

Caroline McDade BA(Hons) MSc MRTPI	Planning Consultant
Paul Cranley BA(Hons) CMILT	Transport Consultant
Mark Flatman CMLI,Dip LA,BA(Hons)	Landscape Consultant
Andy James BA(Hons),FCMA	Epilepsy Society – Business Case
Clare Pelham BSC,(Econ)	Epilepsy Society – Chief Executive
Sanjay M Sisodiya MBBChir,MA(Hons)PhD,FRCP	University College London Hospital

FOR SENSE4CSP

Kate Olley instructed by SENSE 4CSP

She Called:

Michael Leyland BSc(Hons) FCA	Business Case
Ian Barrett MA, CEng, MIMechE, MIRTE, FCILT	Planning and Transport

Councillor Isobel Darby	Flooding

INTERESTED PERSONS

David Powell

Charlotte Fry

Richard Silman

Jo Hardiman

Hamish Roberts

Ron Durnford

Charles Phelps

Cllr Gurdip Kalley

Denise Ryan

Cllr Linda Smith

David Burbidge

Mr Shinner

Simon Hall

Anne Marie Vladar

T Brooker

ANNEX B: CORE DOCUMENTS

Core Documents can be accessed at:
Epilepsy Society Public Inquiry - Documents - Public Documents - All Documents

Reference	Document
1	**Application Documents and Plans**
CD 1.1	Cover Letter (11 August 2022)
CD 1.2	Proposed Access Chesham Lane North Plan (Drawing Number: 103055-T-001) (June 2022)
CD 1.3	Proposed Access Chesham Lane South Plan (Drawing Number: 103055-T-002) (June 2022)
CD 1.4	Proposed Access Rickmansworth Lane Plan (Drawing Number: 103055-T-003) (June 2022)
CD 1.5	Site Demolition and Retention Plan (Drawing Number: CCE-ASA-XX-XX-DR-A-0103, Rev P9) (26 July 2022)
CD 1.6	Masterplan Land Use Parameter Plan (Drawing Number: CCE-ASA-XX-XX-DR-A-0200, Rev P12) (26 July 2022)
CD 1.7	Masterplan Vehicular and Pedestrian Access Parameter Plan (Drawing Number: CCE-ASA-XX-XX-DR-A-0201, Rev P13) (25 July 2022)
CD 1.8	Masterplan Density and Heights Range Parameter Plan (Drawing Number: CCE-ASA-XX-XX-DR-A-0203, Rev P12) (26 July 2022)
CD 1.9	Site Location Plan (Drawing Number: CCE-ASA-XX-XX-DR-A-0100, Rev P13) (27 July 2022)
CD 1.10	Development Parameters Guide (27 July 2022)
CD 1.11	Illustrative Masterplan (Drawing Number: CCE-ASA-XX-XX-DR-A-0206, Rev P6) (25 July 2022)
CD 1.12	Indicative Phasing Strategy Diagram (Drawing Number: CCE-ASA-XX-XX-DR-A-0207, Rev P2) (27 July 2022)
CD 1.13.1	Design and Access Statement Part 1 of 15 (27 July 2022)
CD 1.13.2	Design and Access Statement Part 2 of 15 (27 July 2022)
CD 1.13.3	Design and Access Statement Part 3 of 15 (27 July 2022)
CD 1.13.4	Design and Access Statement Part 4 of 15 (27 July 2022)
CD 1.13.5	Design and Access Statement Part 5 of 15 (27 July 2022)
CD 1.13.6	Design and Access Statement Part 6 of 15 (27 July 2022)
CD 1.13.7	Design and Access Statement Part 7 of 15 (27 July 2022)
CD 1.13.8	Design and Access Statement Part 8 of 15 (27 July 2022)
CD 1.13.9	Design and Access Statement Part 9 of 15 (27 July 2022)

CD 1.13.10	Design and Access Statement Part 10 of 15 (27 July 2022)
CD 1.13.11	Design and Access Statement Part 11 of 15 (27 July 2022)
CD 1.13.12	Design and Access Statement Part 12 of 15 (27 July 2022)
CD 1.13.13	Design and Access Statement Part 13 of 15 (27 July 2022)
CD 1.13.14	Design and Access Statement Part 14 of 15 (27 July 2022)
CD 1.13.15	Design and Access Statement Part 15 of 15 (27 July 2022)
CD 1.14	Business Case (August 2022)
CD 1.15	Planning Statement (August 2022)
CD 1.16	Archaeology Assessment (July 2022)
CD 1.17	Site Waste Management Plan (27 July 2022)
CD 1.18	Operational Waste Management Plan (27 July 2022)
CD 1.19	Ecology and Trees Checklist (Undated)
CD 1.20	Energy and Sustainability Statement (26 July 2022)
CD 1.21	Green Belt Technical Report (27 July 2022)
CD 1.21.1	Green Belt Technical Report – Appendix A - Figures 1-3 (July 2022)
CD 1.21.2	Green Belt Technical Report – Appendix B – Figure 4 (July 2022)
CD 1.22	Affordable Housing Statement (August 2022)
CD 1.23	Heritage Statement (August 2022)
CD 1.24	Arboricultural Implications Report (July 2022)
CD 1.24.1	Arboricultural Implications Report Appendix 1 – Outline Arboricultural Method Statement (Undated)
CD 1.24.2	Arboricultural Implications Report Appendix 2 – Tree Survey Schedule (January 2022)
CD 1.24.3	Arboricultural Implications Report Appendix 3 – Tree Protection Plans (July 2022)
CD 1.24.4	Arboricultural Implications Report Appendix 4 – Illustrative Masterplan (25 July 2022)
CD 1.25	Utility Report (29 July 2022)
CD 1.26	Flood Risk Assessment (29 July 2022)
CD 1.27	Drainage Strategy (29 July 2022)
CD 1.28	Environmental Statement Volume 1 Chapters 1-5 (August 2022) Chapter 1 (Introduction) Chapter 2 (EIA Methodology) Chapter 3 (Alternatives and Design Methodology) Chapter 4 (Site and Development Description) Chapter 5 (Construction Management and Phasing)
CD 1.28.1	ES Volume 2 Chapter 2 Appendix 2.1: Baseline and Cumulative Developments (04 July 2022)
CD 1.29	ES Volume 1 Chapter 6 (Landscape and Visual) (Undated)
CD 1.29.1	ES Volume 1 Chapter 6 Appendix 6.1: Figures 6.1-6.7 (July 2022)

CD 1.29.2	ES Volume 1 Chapter 6 Appendix 6.2: Published Landscape Character Assessments Extracts (June 2022)
CD 1.29.3	ES Volume 1 Chapter 6 Appendix 6.3: Summary Effect Tables (June 2022)
CD 1.29.4	ES Vol 1 Ch 6 Appendix 6.4: Development Framework Plans (July 2022)
CD 1.29.5.1	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 1 of 21 (July 2022)
CD 1.29.5.2	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 2 of 21 (July 2022)
CD 1.29.5.3	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 3 of 21 (July 2022)
CD 1.29.5.4	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 4 of 21 (July 2022)
CD 1.29.5.5	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 5 of 21 (July 2022)
CD 1.29.5.6	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 6 of 21 (July 2022)
CD 1.29.5.7	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 7 of 21 (July 2022)
CD 1.29.5.8	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 8 of 21 (July 2022)
CD 1.29.5.9	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 9 of 21 (July 2022)
CD 1.29.5.10	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 10 of 21 (July 2022)
CD 1.29.5.11	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 11 of 21 (July 2022)
CD 1.29.5.12	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 12 of 21 (July 2022)
CD 1.29.5.13	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 13 of 21 (July 2022)
CD 1.29.5.14	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 14 of 21 (July 2022)
CD 1.29.5.15	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 15 of 21 (July 2022)
CD 1.29.5.16	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 16 of 21 (July 2022)
CD 1.29.5.17	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 17 of 21 (July 2022)
CD 1.29.5.18	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 18 of 21 (July 2022)
CD 1.29.5.19	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 19 of 21 (July 2022)
CD 1.29.5.20	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 20 of 21 (July 2022)
CD 1.29.5.21	ES Vol 1 Ch 6 Appendix 6.5: Verified View Photography Part 21 of 21 (July 2022)
CD 1.29.6.1	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 1 of 14 (July 2022)

CD 1.29.6.2	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 2 of 14 (July 2022)
CD 1.29.6.3	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 3 of 14 (July 2022)
CD 1.29.6.4	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 4 of 14 (July 2022)
CD 1.29.6.5	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 5 of 14 (July 2022)
CD 1.29.6.6	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 6 of 14 (July 2022)
CD 1.29.6.7	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 7 of 14 (July 2022)
CD 1.29.6.8	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 8 of 14 (July 2022)
CD 1.29.6.9	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 9 of 14 (July 2022)
CD 1.29.6.10	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 10 of 14 (July 2022)
CD 1.29.6.11	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 11 of 14 (July 2022)
CD 1.29.6.12	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 12 of 14 (July 2022)
CD 1.29.6.13	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 13 of 14 (July 2022)
CD 1.29.6.14	ES Vol 1 Ch 6 Appendix 6.6: Verified View Photomontage Part 14 of 14 (July 2022)
CD 1.30	ES Vol 1 Ch 7 (Traffic and Transport) (Undated)
CD 1.30.1	ES Vol 1 Ch 7 Figure 7.1 Parking Standard Zones (Chiltern Area) (20 June 2022)
CD 1.30.2	ES Vol 1 Ch 7 Figure 7.2 Parking Standard Zones Non-residential (Chiltern Area) (20 June 2022)
CD 1.30.3	ES Vol 1 Ch 7 Figure 7.3 ES Transport Study Area (25 July 2022)
CD 1.30.4	ES Vol 1 Ch 7 Figure 7.4 Junctions within scope (08 July 2022)
CD 1.30.5	ES Vol 1 Ch 7 Figure 7.5 Pedestrian amenity (08 July 2022)
CD 1.30.6	ES Vol 1 Ch 7 Figure 7.6 Collisions for 5 years (08 July 2022)
CD 1.30.7	ES Vol 1 Ch 7 Figure 7.7 Cycling isochrones (20 June 2022)
CD 1.30.8	ES Vol 1 Ch 7 Figure 7.8 Bus stops within a 2km walking catchment (20 June 2022)
CD 1.30.9	ES Vol 1 Ch 7 Figure 7.9 Railway stations (20 June 2022)
CD 1.30.10	ES Vol 1 Ch 7 Appendix 7.1: Transport Assessment (25 July 2022)
CD 1.30.11	ES Vol 1 Ch 7 Appendix 7.2: Framework Residential Travel Plan (25 July 2022)
CD 1.31	ES Vol 1 Ch 8 (Noise and Vibration) (Undated)
CD 1.31.1	ES Vol 1 Ch 8 Figure 8.1 Noise Sensitive Receptor Locations (27 July 2022)

CD 1.31.2	ES Vol 1 Ch 8 Figure 8.2 Baseline Monitoring Locations (27 July 2022)
CD 1.31.3	ES Vol 1 Ch 8 Figure 8.3 Traffic Assessment Link IDs (23 June 2022)
CD 1.31.4	ES Vol 1 Ch 8 Appendix 8.1: Glossary of Acoustic Terminology (Undated)
CD 1.31.5	ES Vol 1 Ch 8 Appendix 8.2: Assumptions for Construction Noise Assessment (Undated)
CD 1.31.6	ES Vol 1 Ch 8 Appendix 8.3: Site Suitability Assessment (Undated)
CD 1.31.7	ES Vol 1 Ch 8 Appendix 8.4: Long Term Monitoring Data (Undated)
CD 1.32	ES Vol 1 Ch 9 (Air Quality) (Undated)
CD 1.32.1	ES Vol 1 Ch 9 Figure 9.1 Designated Ecological Sites and Modelled Road Network (25 July 2022)
CD 1.32.2	ES Vol 1 Ch 9 Figure 9.2 Air Quality Monitoring in Vicinity of Site (25 July 2022)
CD 1.32.3	ES Vol 1 Ch 9 Figure 9.3 Air Quality Management Areas Within the Vicinity of the Site (25 July 2022)
CD 1.32.4	ES Vol 1 Ch 9 Figure 9.4 PM Monitors Adjacent to Chalfont St Peter HS2 Vent (25 July 2022)
CD 1.32.5	ES Vol 1 Ch 9 Figure 9.5 Modelled Receptor Location and Modelled Roads (25 July 2022)
CD 1.32.6	ES Vol 1 Ch 9 Figure 9.5a/5b Modelled Receptor Location and Modelled Roads (25 July 2022)
CD 1.32.7	ES Vol 1 Ch 9 Figure 9.6 Construction Receptors, Buildings to be Demolished and Expected Trackout (25 July 2022)
CD 1.32.8	ES Vol 1 Ch 9 Appendix 9.1: Environmental Health Officer Consultation (Undated)
CD 1.32.9	ES Vol 1 Ch 9 Appendix 9.2: Construction Assessment Methodology (Undated)
CD 1.32.10	ES Vol 1 Ch 9 Appendix 9.3: IAQM Assessment Criteria for Construction and Operation (Undated)
CD 1.32.11	ES Vol 1 Ch 9 Appendix 9.4: Supplied Traffic Data (Undated)
CD 1.32.12	ES Vol 1 Ch 9 Appendix 9.5: Model Verification (Undated)
CD 1.32.13	ES Vol 1 Ch 9 Appendix 9.6: Human Receptor Locations and Addresses (Undated)
CD 1.32.14	ES Vol 1 Ch 9 Appendix 9.7: Modelled Results for Construction Phase (Undated)
CD 1.32.15	ES Vol 1 Ch 9 Appendix 9.8: Modelled Results for Operation Phase (Undated)
CD 1.32.16	ES Vol 1 Ch 9 Appendix 9.9: Mitigation Measures During Construction (Undated)
CD 1.33	ES Vol 1 Ch 10 (Ground Conditions) (Undated)
CD 1.33.1	ES Vol 1 Ch 10 Appendix 10.1: Ground Engineering Desk Study (28 July 2022)
CD 1.34	ES Vol 1 Ch 11 (Water Resources, Flood Risk and Drainage) (Undated)

CD 1.34.1	ES Vol 1 Ch 11 Figure 11.1 Existing Sewer Network (Undated)
CD 1.34.2	ES Vol 1 Ch 11 Figure 11.2 Existing Sewer Network - Surface Water Features (Undated)
CD 1.34.3	ES Vol 1 Ch 11 Figure 11.3 WFD Classification of the River Misbourne (Undated)
CD 1.34.4	ES Vol 1 Ch 11 Figure 11.4 Affinity Water's Central Region Outlook, as presented within the WRMP (Undated)
CD 1.34.5	ES Vol 1 Ch 11 Figure 11.5 Environment Agency Flood Zone Map (Undated)
CD 1.34.6	ES Vol 1 Ch 11 Figure 11.6 Flood Risk in the Local Area to the Site as Presented in the SFRA (Undated)
CD 1.34.7	ES Vol 1 Ch 11 Figure 11.7 Environment Agency Surface Water Flood Map (Undated)
CD 1.34.8	ES Vol 1 Ch 11 Figure 11.8 ACD as presented in the SFRA (Undated)
CD 1.34.9	ES Vol 1 Ch 11 Figure 11.9 Environmental Agency Map Showing Risk of Flooding from Reservoirs (Undated)
CD 1.34.10	ES Vol 1 Ch 11 Appendix 11.1: Flood Risk Assessment (29 July 2022)
CD 1.34.11	ES Vol 1 Ch 11 Appendix 11.2: Drainage Strategy (29 July 2022)
CD 1.35	ES Vol 1 Ch 12 (Ecology) (Undated)
CD 1.35.1.1	ES Vol 1 Ch 12 Appendix 12.1: Ecological Impact Assessment Part 1 of 5 (July 2022)
CD 1.35.1.2	ES Vol 1 Ch 12 Appendix 12.1: Ecological Impact Assessment Part 2 of 5 (July 2022)
CD 1.35.1.3	ES Vol 1 Ch 12 Appendix 12.1: Ecological Impact Assessment Part 3 of 5 (July 2022)
CD 1.35.1.4	ES Vol 1 Ch 12 Appendix 12.1: Ecological Impact Assessment Part 4 of 5 (July 2022)
CD 1.35.1.5	ES Vol 1 Ch 12 Appendix 12.1: Ecological Impact Assessment Part 5 of 5 (July 2022)
CD 1.36	ES Vol 1 Ch 13 (Greenhouse Gas Emissions) (Undated)
CD 1.36.1	ES Vol 1 Ch 13 Appendix 13.1: Greenhouse Gas Calculation Inputs (Undated)
CD 1.37	ES Vol 1 Ch 14 (Socio-Economic) (Undated)
CD 1.37.1	ES Vol 1 Ch 14 Figure 14.1: Assessment Area Boundary (29 June 2022)
CD 1.37.2	ES Vol 1 Ch 14 Appendix 14.1: Socio-Economic Baseline Data (Undated)
CD 1.38	ES Vol 1 Ch 15 (Summary of Residual Impacts) (Undated)
CD 1.39	ES Vol 1 Ch 16 (Type 1 Cumulative Effects) (Undated)
CD 1.40	Environmental Statement Vol 3: Non-Technical Summary (August 2022)
CD 1.41	Application Form (11 August 2022)
2	**Additional/Amended Documents Submitted after Validation**
CD 2.1	Letters of Support from Epilepsy Society Partners (05 August 2022)

CD 2.2	Epilepsy Society Strategic Overview (August 2022)
CD 2.3	Cover Letter – submission of supplementary information (13 December 2022)
CD 2.4.1	Strategic Design Code Part 1 of 2 (13 December 2022)
CD 2.4.2	Strategic Design Code Part 2 of 2 (13 December 2022)
CD 2.5	Ecology Consultation Response (Undated)
CD 2.6	Biodiversity Metric 3.1 Excel Spreadsheet (07 December 2022)
CD 2.7	Drainage Response Note to LLFA (14 November 2022)
CD 2.8	Minerals Resource Assessment (December 2022)
CD 2.9	ES Vol 1 Ch 7 Transport Chapter Addendum (Undated)
CD 2.9.1	ES Vol 1 Ch 7 Appendix 7.1: Transport Assessment Addendum (03 November 2022)
CD 2.10	ES Vol 1 Chapter 8 (Noise and Vibration) (December 2022)
CD 2.10.1	ES Vol 1 Ch 8 Figure 8.1a Noise Sensitive Receptor Locations (23 June 2022)
CD 2.10.2	ES Vol 1 Ch 8 Figure 8.1b Noise Sensitive Receptor Locations (23 June 2022)
CD 2.10.3	ES Vol 1 Ch 8 Figure 8.1c Noise Sensitive Receptor Locations (23 June 2022)
CD 2.10.4	ES Vol 1 Ch 8 Figure 8.1d Noise Sensitive Receptor Locations (23 June 2022)
CD 2.10.5	ES Vol 1 Ch 8 Figure 8.1e Noise Sensitive Receptor Locations (23 June 2022)
CD 2.10.6	ES Vol 1 Ch 8 Figure 8.2 Baseline Monitoring Locations (23 June 2022)
CD 2.11	ES Vol 1 Ch 9 (Air Quality) (December 2022)
CD 2.11.1	ES Vol 1 Ch 9 Figure 9.1 Designated Ecological Sites and Modelled Road Network (06 July 2022)
CD 2.11.2	ES Vol 1 Ch 9 Figure 9.5 Modelled Human Receptors and Road Layout (06 July 2022)
CD 2.11.3	ES Vol 1 Ch 9 Figure 9.5a/5b Human Receptor Locations and Modelled Road Layout (17 June 2022)
CD 2.11.4	ES Vol 1 Ch 9 Figure 9.5c Human Receptor Locations and Modelled Road Layout (17 June 2022)
CD 2.11.5	ES Vol 1 Ch 9 Appendix 9.4: Supplied Traffic Data (Undated)
CD 2.11.6	ES Vol 1 Ch 9 Appendix 9.5: Model Verification (Undated)
CD 2.11.7	ES Vol 1 Ch 9 Appendix 9.6: Human Receptor Locations and Addresses (Undated)
CD 2.11.8	ES Vol 1 Ch 9 Appendix 9.8: Modelling Results for Operational Phase (Undated)
CD 2.12	ES Vol 1 Ch 10 (Ground Conditions) (December 2022)
CD 2.13	ES Vol 1 Ch 11 (Water Resources, Flood Risk and Drainage) (December 2022)
CD 2.13.1	ES Vol 1 Ch 11 Figure 11.10: Proposed Drainage Strategy (Undated)

CD 2.13.2	ES Vol 1 Ch 11 Figure 11.11: Proposed Development Showing the Realignment of the Overland Flow Path (Undated)
CD 2.13.3	ES Vol 1 Ch 11 Appendix 11.1: Flood Risk Assessment (01 December 2022)
CD 2.14	Environmental Statement Vol 3: Non-Technical Summary (December 2022)
CD 2.15	Illustrative Masterplan (Drawing Number: CCE-ASA-XX-XX-DR-A-0206, Rev P8) (25 October 2022)
CD 2.16	Indicative Phasing Strategy Diagram (Drawing Number: CCE-ASA-XX-XX-DR-A-0207, Rev P3) (21 November 2022)
CD 2.17	Proposed Access Chesham Lane South Plan (Drawing Number: 103055-T-008) (28 September 2022)
CD 2.18	ES Vol 1 Ch 7 Transport Chapter Addendum (Undated)
CD 2.18.1	ES Vol 1 Ch 7 Addendum Figure 7.10: Link scope 36 part 1 (20 October 2022)
CD 2.18.2	ES Vol 1 Ch 7 Addendum Figure 7.11: Link scope 36 part 2 (20 October 2022)
CD 2.18.3	ES Vol 1 Ch 7 Addendum Figure 7.12: Junctions within Scope (20 October 2022)
CD 2.18.4	ES Vol 1 Ch 7 Addendum Figure 7.13: Local Highway Network Assessment Link (20 October 2022)
CD 2.18.5	ES Vol 1 Ch 7 Addendum Figure 7.14: Pedestrian Movement Severance Links (20 October 2022)
CD 2.19	Updated Certificate B and Cover Letter (10 March 2023)
CD 2.20	File Note Response to Heritage Officer Comments (13 July 2023)
CD 2.21	File Note Response to Tree Officer Comments (13 July 2023)
CD 2.22	Response Letter to Bickerton's Aerodromes/Denham Airport (30 August 2023)
CD 2.23	Cover Letter – Submission of Supplementary Information (20 October 2023)
CD 2.24	Response Note to LLFA (14 July 2023)
CD 2.25	School Plot Sketch Layout (Drawing Number: CCE-A-SK-230714MP01, Rev P5) (27 July 2023)
CD 2.26	Sports Pitch Provision Statement of Intent (October 2023)
CD 2.27	File Note Response to Sport England Comments (17 October 2023)
CD 2.28	Submitted and Revised Sporting Pitches Provision (29 August 2023)
CD 2.29	Illustrative Masterplan (Drawing Number: CCE-ASA-XX-XX-DR-A-0206, Rev P9) (15 June 2023)

CD 2.30	Masterplan Density and Heights Range Parameter Plan (Drawing Number: CCE-ASA-XX-XX-DR-A-0203, Rev P15) (17 July 2023)
CD 2.31	Masterplan Vehicular and Pedestrian Access Parameter Plan (Drawing Number: CCE-ASA-XX-XX-DR-A-0201, Rev P17) (18 July 2023)
CD 2.32	Masterplan Land Use Parameter Plan (Drawing Number: CCE-ASA-XX-XX-DR-A-0200, Rev P16) (17 July 2023)
CD 2.33	Site Demolition and Retention Plan (Drawing Number: CCE-ASA-XX-XX-DR-A-0103, Rev P12) (12 April 2023)
CD 2.34	Biodiversity Net Gain Assessment (September 2023)
CD 2.35	Ecology Consultation Response – Technical Note (13 July 2023)
CD 2.36	EIA Drainage Calculation Pack – SW Catchment Model Assumptions and Summary (14 July 2023)
CD 2.37	Technical Note: Junction Modelling Results (re-run with Little Chalfont flows) (22 June 2023)
CD 2.38	Technical Note – Response to Objection from SENSE (21 June 2023)
CD 2.39	Technical Note: Sensitivity Test: Amersham Road / Misbourne Avenue Junction (28 June 2023)
CD 2.40	Sports Pitches Feasibility Study (10 November 2023)
CD 2.41	Cover Letter – Submission of Supplementary Information (28 March 2024)
CD 2.42	Strategic Design Code (26 March 2024)
CD 2.43.1	Design and Access Statement Part 1 of 5 (26 March 2024)
CD 2.43.2	Design and Access Statement Part 2 of 5 (26 March 2024)
CD 2.43.3	Design and Access Statement Part 3 of 5 (26 March 2024)
CD 2.43.4	Design and Access Statement Part 4 of 5 (26 March 2024)
CD 2.43.5	Design and Access Statement Part 5 of 5 (26 March 2024)
CD 2.44	Landscape and Visual Technical Response (March 2024)
CD 2.45	File Note Response to Sport England Comments (04 July 2024)
CD 2.46	Multimodal Environment Study (29 July 2024)
CD 2.47	Response Letter to Chalfont St Peter Parish Council (16 September 2024)
CD 2.48	Response Note to SENSE4CSP (16 September 2024)

CD 2.49	Response Note to Bickerton's Aerodromes/Denham Airport (16 September 2024)
CD 2.50	Response Note to BNG Officer (16 September 2024)
CD 2.51	Response Note to Heritage Officer (16 September 2024)
CD 2.52	Response Note to LLFA (16 September 2024)
CD 2.52.1	Response Note to LLFA Appendix 1: Buro Happold Response to LLFA (30 May 2024)
CD 2.52.2	Response Note to LLFA Appendix 2: Factual Ground Investigation Report (29 June 2023)
CD 2.53	A413/Joiners Lane Modelling and Mitigation Note (10 October 2024)
CD 2.54	Covering Email Response to Strategic Access Officer (18 October 2024)
CD 2.55	Biodiversity Net Gain Metric 4.0 Calculation Tool Excel Spreadsheet (Undated)
CD 2.56	Preliminary Ecological Appraisal (January 2025)
CD 2.57	Preliminary Roost Assessment (January 2025)
CD 2.58.1	Species Survey Report Part 1 of 5 (January 2025)
CD 2.58.2	Species Survey Report Part 2 of 5 (January 2025)
CD 2.58.3	Species Survey Report Part 3 of 5 (January 2025)
CD 2.58.4	Species Survey Report Part 4 of 5 (January 2025)
CD 2.58.5	Species Survey Report Part 5 of 5 (January 2025)
CD 2.59	Development Parameters Guide (04 February 2025)
3	**Appeal Third Party Comments**
CD 3.1	Chalfont St Peter PC Representations 29 April 2025
CD 3.2	SENSE4CSP List of Evidence
CD 3.3	Epilepsy Society Research Institute Annual Return to Charity Commission – Filed Nov24
CD 3.4.1	ES Annual Return – Filed Dec 22
CD 3.4.2	ES Annual Return – Filed Dec 23
CD 3.5	ES Annual Report 2023 2024
CD 3.6	Flooding Response in Buckinghamshire - Working Group Report - Nov 2024
CD 3.7	Images of Foul Water Flooding in CSP Centre
CD 3.8	Traffic Evidence – Accident and congestion
CD 3.9	Traffic Evidence – Physical constraints
CD 3.10	Travel Pattern Survey Executive summary v2
CD 3.11	Boundary and Footpaths, and Bus Stop
CD 3.12	ES Site Plan – Annotated
CD 3.13	Green Belt
CD 3.14	North CRP Map
CD 3.15	Chesham Lane 09.01.25

CD 3.16	Chesham Lane 27.11.24
CD 3.17	Chesham Lane 30.09.24
CD 3.18	Rickmansworth Lane 02.11.23
CD 3.19	Rickmansworth Lane 13.11.23
CD 3.20	Active Travel England: Standing Advice Note: Active Trave and Sustainable Development (Active Travel England, June 2024)
CD 3.21	Image – Public Right of Way Notice
CD 3.22	Walking and Proposed Cycle Route to CSP Centre – Cycle Route to GX Mainline Station
CD 3.23	SENSE4CSP Submissions to LPA Nov 2022
CD 3.24	SENSE4CSP Submissions to LPA Feb 2023
CD 3.25	SENSE4CSP Submissions to LPA May 2024
CD 3.26	SENSE4CSP Submissions to LPA June 2024
CD 3.27	SENSE4CSP Submissions to LPA Nov 2024
CD 3.28	SENSE4CSP Submissions to LPA Jan 2025
CD 3.29	SENSE4CSP Submissions to LPA Feb 2025
CD 3.30	Chalfont St Peter Parish Council Submissions to LPA Nov 2022
CD 3.31	Chalfont St Peter Parish Council Submissions to LPA Feb 2023
CD 3.32	Chalfont St Peter Parish Council Submissions to LPA June 2024
CD 3.33	Appeal Third Party Comments A-F
CD. 3.33.1	Appeal Third Party Comments J-W
4	**The Development Plan, Supplementary Planning Documents / Guidance**
CD 4.1	Chiltern District Local Plan (1997, incorporating alterations adopted in 2001)
CD 4.2	Chiltern Core Strategy (2011)
CD 4.3	Buckinghamshire Minerals and Waste Local Plan (2019)
CD 4.4	Not used
CD 4.5	Not used
CD 4.6	The Chalfont St Peter Neighbourhood Plan 2013- 2028
CD 4.7	Buckinghamshire Council Biodiversity Net Gain SPD (July 2022)
CD 4.8	Not used
CD 4.9	Not used
CD 4.10	Buckinghamshire Council Local Development Scheme (January 2025)
CD 4.11	Buckinghamshire Local Plan that was presented to Cabinet (9 September 2025) for consultation
5	**Withdrawn Development Plan and Emerging Evidence Base**
CD 5.1	Withdrawn Chiltern and South Bucks Local Plan (2020)
CD 5.2	Representations to withdrawn Local Plan
CD 5.3	Representations to withdrawn Local Plan
6	**Government Policy and National Guidance**

CD 6.1	National Planning Policy Framework (December 2024)
CD 6.2	Planning Practice Guidance
CD 6.3	Not used
CD 6.4	Not used
CD 6.5	The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Notes 3 (Historic England, 2017 2nd Edition – GPA3)
CD 6.6	Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice note 12 (Historic England, 2019 – HEAN12)
CD 6.7	Managing Significance in Decision Taking in the Historic Environment Good Practice Advice in Planning Notes 2 (Historic England, 2015 2nd Edition – GPA2)
CD 6.8	Conservation Principles Policies and Guidance, Historic England (2008)
7	**Planning Documents**
CD7.1	Sport England objection dated 10 May 2024
CD7.2	LLFA response to Sequential Test 28 August 2025
CD 7.3	Manorial record for Ashwell's Farm
CD 7.4	The Archaeology Report for the HS2 works
CD 7.5	Extract HSE Design and Access Statement, HS2 Headhouse application PL/20/2680/HS2
CD 7.6	Vale of Aylesbury Local Plan (September 2021)
CD 7.7	Matter 4 Hearing Statement: Principle of Green Belt Release, Submitted on Behalf of the Epilepsy Society (Carter Jonas, February 2020)
CD 7.8	South Bucks and Chiltern Councils: Joint Open Space Study 2018 (August 2018)
CD 7.9	Buckinghamshire Highways Consultation Response Letter (19 December 2024)
CD 7.10	UK's Modern Industrial Strategy: Life Sciences Sector Plan (UK Government, 16 July 2025)
CD 7.11	Pre-Application Advice Letter from Buckinghamshire Council Planning Office (24 January 2025)
CD 7.12	Pre-Application Advice Table from Buckinghamshire Council Planning Office (24 January 2025)
CD 7.13	Epilepsy Research Institute UK: Epilepsy Statistics
CD 7.14	The UK's Modern Industrial Strategy 2025 (23 June 2025)
CD 7.15	UK Giving Report 2025 (Charities Aid Foundation)
CD 7.16	The Countryside and Rights of Way Act 2000
CD 7.17	Online Safety Act 2023

CD 7.18	Chalfont St Peter Housing Needs Assessment (AECOM, February 2021)
CD 7.19	R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) ([2020] UKSC 3 On appeal from: [2018] EWCA Civ 489)
CD 7.20	Consultation Response from Buckinghamshire Council Landscape Architecture & Urban Design Team (24 November 2023)
CD 7.21	Accredited Official Statistics: Local Authority Green Belt Statistics for England: 2023 to 2024 (05 December 2024)
CD 7.22	Genomics England Webpage
CD 7.23	Sanjay Sisodiya Publications Webpage
CD 7.24	Advisory Committee on Clinical Impact Awards
CD 7.25	SUDEP Study (2025)
CD 7.26	Climate Change and Disorders of the Nervous System (June 2024)
CD 7.27	Buckinghamshire Highways Pre Application Response (10 May 2022)
CD 7.28	Review of Transport Assessment by Ian Barrett (Undated)
CD 7.29	103055 Transport Assessment and Modelling Scoping Note (11 February 2022)
CD 7.30	103055 Development Zoning Note (17 May 2022)
CD 7.31	103055 Trip Generation Note (17 May 2022)
CD 7.32	Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government [2025] EWCA Civ 32,
CD 7.33	R (Sainsbury's Supermarkets Ltd) v Wolverhampton City Council [2011] 1 AC 437
CD 7.34	R v Westminster CC exp Monahan [1990] 1 QB 87
CD 7.36.1	Matter_4_Written_Statement_-_Carter_Jonas_for_the_Epilepsy_Society
CD 7.36.2	Matter_5_Written_Statement_-_Carter_Jonas_for_the_Epilepsy_Society
8	**Housing Land Supply Documents**
CD 8.1	Joint Chiltern and South Bucks Areas Authority Monitoring Report 2019-2020 (Buckinghamshire Council, March 2021)
CD 8.2	Buckinghamshire Council Authority Monitoring Report 2021-2022 (Buckinghamshire Council, 30 June 2023)
CD 8.3	Buckinghamshire Council Authority Monitoring Report 2022-2023 (Buckinghamshire Council, 12 June 2024)
9	**Affordable Housing Documents**
None included	
10	**Self-Build and Custom Housebuilding**

None included

11	**Green Belt, Character and Appearance Documents**
CD 11.1	Buckinghamshire Green Belt Assessment Report: Methodology and Assessment of General Areas (2016)
CD 11.1.1	Buckinghamshire Green Belt Assessment Annex Report 1C - General Area Assessment Pro-formas
CD 11.2	Green Belt Assessment Part Two Update April2019
CD 11.3	Stage 2 Green Belt Assessment Strategic Role of the Metropolitan Green Belt (2018)
CD 11.4	Exceptional Circumstances Report (2019)
12	**Landscape Documents**
CD 12.1	Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute and Institute of Environmental Management & Assessment)
CD 12.2	Landscape Institute TGN 02-21: Assessing landscape value outside national designations
CD 12.3	Landscape Institute TGN 2024-01: Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3)
CD12.4	Colne Valley Landscape Character Assessment (Final report August 2017 updated April 2018, by AFA and Colne Valley Landscape Partnership)
CD12.5.1	Chilterns AONB Management Plan (2019-2024) (Superseded)
CD12.5.2	Chilterns AONB Management Plan Schedule of Amendments June 2025
CD 12.5.3	Chilterns AONB Management Plan Illustrative clean version of plan text June 2025
CD12.6	Development Affecting the Setting of the Chilterns AONB (Chilterns Conservation Board Position Statement, June 2011)
CD12.7	National Character Area Profile: 110 Chilterns – NE406 (Natural England, 21st February 2013)
CD 12.8	Chiltern District Landscape Character Assessment (Land Use Consultants, October 2011)
CD 12.9	Hertfordshire County Landscape Character Assessment (Heronsgate Heights)
CD 12.10	Chalfont St Peter Historic Towns Assessment Report (Buckinghamshire County Council, Chiltern District Council and English Heritage, 2011)
13	**Ecology Documents**

None included

14	**Appeal Decisions**

CD 14.1	Appeal Ref: APP/D0121/W/24/3343144 Land at Rectory Farm (North), Chescombe Road, Yatton BS49 4BZ
CD 14.2	2005 Appeal APP/X0415/A/04/1158520 – Inspector's Report to Secretary of State
CD 14.3	Appeal ref. APP/C4235/W/18/3205559 - 160 Stanley Road, Cheadle Hulme, Stockport
CD 14.4	Chalfont Golf Club Appeal (APP/X0415/W/22/3303868)
15	Appeal Statements and Statements of Common Ground
CD 15.1	Appellant Statement
CD 15.2	Council Statement
CD 15.3.1	Rule 6 Party SENSE4CSP Statement
CD 15.3.2	Rule 6 Party SENSE4CSP Attachment PC Statement
CD 15.4	Statement of Common Ground – Appellant and Council
CD 15.5	Statement of Common Ground – Appellant and Rule 6 Party
CD 15.6	Landscape Statement of Common Ground – Appellant and Council
CD 15.7	Highways Statement of Common Ground – Appellant and Council
CD 15.8	Planning Statement of Common Ground 18.09.25 final
CD 15.9	Landscape SoCG
16	**Documents Updated/Submitted Post-Appeal Submission**
CD 16.1	Agricultural Land Classification of Land at Chalfont St Peter (July 2025)
CD 16.2	Bat Mitigation Technical Note (Undated)
CD 16.3	Epilepsy Society Group Financial Statements and Annual Report for the Year Ended 31 March 2019 (Undated)
CD 16.4	Epilepsy Society Group Financial Statements and Annual Report for the Year Ended 31 March 2020 (Undated)
CD 16.5	Epilepsy Society Group Financial Statements and Annual Report for the Year Ended 31 March 2021 (Undated)
CD 16.6	Epilepsy Society Group Financial Statements and Annual Report for the Year Ended 31 March 2022 (Undated)
CD 16.7	Epilepsy Society Group Financial Statements and Annual Report for the Year Ended 31 March 2023 (Undated)
CD 16.8	Epilepsy Society Group Financial Statements and Annual Report for the Year Ended 31 March 2024 (Undated)
CD 16.9	Epilepsy Society Going Concern Assessment 31/3/22 FINAL (31 March 2022)

CD 16.10	Epilepsy Society Going Concern Summary for Year End 22/23 (28 June 2023)
CD 16.11	Epilepsy Society Going Concern Summary for Year End 23/24 (23 July 2024)
CD 16.12	Epilepsy Society Business Case (July 2025)
CD 16.13	Savills: Summary of Residual Appraisal Inputs 21.08.2025 (August 2025)
CD 16.14	Flooding Sequential Test (August 2025)
CD 16.15	Response to request for additional information 11092025.
17	**Council's Proofs of Evidence**
CD 17.1	Planning Proof (John Fannon)
CD 17.2	Landscape Proof (Martina Sechi) and Appendix 1
CD 17.2.1	Appendix 2a
CD 17.2.2	Appendix 2b
CD 17.2.3	Appendix 3 and 4
CD 17.3	Heritage Proof (Morwenna Bren-Haynes)
CD 17.4	Business Case Proof (Patricia Moroney)
CD 17.4.1	Annex A
CD 17.4.2	Annex B
CD 17.4.3	Appendix 1.1
CD 17.4.4	Appendix 1.2
CD 17.4.5	Appendix 1.3
CD 17.4.6	Appendix 1.4
CD 17.5	Valuation Proof (Clare Jones)
CD 17.5.1	Appendix A BPS Report
CD 17.6	Planning Rebuttal 16092025 02
CD 17.7	Landscape Rebuttal (Martina Sechi) 3
CD 17.8	Rebuttal Proof of Evidence of Patricia Moroney
CD 17.8.1	Appendix 1.1
CD 17.8.2	PM-1 Audited Consolidated Financial Statements for the year ended 31 March 2011
CD 17.8.3	PM-2 Audited Consolidated Financial Statements for the year ended 31 March 2012
CD 17.8.4	PM-3 Audited Consolidated Financial Statements for the year ended 31 March 2013
CD 17.8.5	PM-4 Audited Consolidated Financial Statements for the year ended 31 March 2014
CD 17.8.6	PM-5 Audited Consolidated Financial Statements for the year ended 31 March 2015
CD 17.8.7	PM-6 Audited Consolidated Financial statements for the Year Ended 31 March 2016
CD 17.8.8	PM-7 Audited Consolidated Financial Statements for the year ended 31 March 2017
CD 17.8.9	PM-8 Audited Consolidated Financial Statements for the year ended 31 March 2018
18	**Rule 6 Proofs of Evidence**
CD 18.1	SENSE -Proof of Evidence – Flooding - Isobel Darby
CD 18.1.1	Appendix 1 Chalfont St Peter Council Notes from flooding meeting 22/01/2009

CD.18.1.2	Appendix 2 Buckinghamshire C.C. s19 Flood Investigation Report – CSP, Jan – Mar 2014
CD 18.1.3	Appendix 3 Buckinghamshire C.C. s19 Flod Investigation Report – High St, CSP, 2019
CD 18.1.4	Appendix 4 Buckinghamshire C.C. - Detailed Flood Report Addendum to s19 - Flood Investigation Report 2014
CD 18.1.5	Appendix 5 Buckinghamshire C.C.- Transport, Environment & Climate Change Select Committee – Flooding Response Rapid Review
CD 18.1.6	Appendix 6 Thames Water update to the general public – October 2024
CD 18.1.7	Appendix 7 Thames Water progress update presentation to CSP and CSG flood group
CD 18.1.8	Appendix 8 Thames Water - 2025 spring, summer newsletter
CD 18.1.9	Appendix 9 Email from the Parish Clerk to Parish Councillors 24/09/24
CD18.1.10	Appendix 10 Email – Jake Morely to CSP Parish Council 06/01/25
CD 18.1.11	Appendix 11 Email – Jake Morely to CSP Parish Councillors 16/02/25
CD 18.1.12	Appendix 12 Three Rivers New Local Plan – Regulation 18 Consultation July/August 2025 - Initial site analysis
CD 18.1.13	Appendix 13 BWB Environment – Richborough. Land North of Little Green Lane, Croxley Green Sustainable Drainage Statement
CD 18.1.14	Appendix 14 Chalfont St Peter Neighbourhood Plan
CD 18.1.15	Appendix 15 Statement from Ann Marie Vladar, resident of Lower Rd, Chalfont St Peter
CD 18.1.16	Appendix 16 Maids Moreton
CD 18.1.17	Appendix 17 Marsh Gibbon
CD 18.2	SENSE- Proof of Evidence - Ian Barrett’s case
CD 18.2.1.1	Appendix 1.1 Metropolitan Green Belt
CD 18.2.1.2	Appendix 1.2 Coln Valley Regional Park map
CD 18.2.1.3	Appendix 1.3 Coln Valley Regional Park Development Plans
CD 18.2.1.4	Appendix 1.4 Chiltern Society objection
CD 18.2.1.5	Appendix 1.5 Adjournment Debate
CD 18.2.1.6	Appendix 1.6 Green Belt Assessment
CD 18.2.1.7	Appendix 1.7 Gerrards Cross
CD 18.2.2.1	Appendix 2.1 Epilepsy Society enforcement notice
CD 18.2.2.2	Appendix 2.2 Skippings Farm
CD 18.2.2.3	Appendix 2.3 Demolition Plan
CD 18.2.2.4	Appendix 2.4 Epilepsy Society campus
CD 18.2.3.1	Appendix 3.1 Affordable Housing
CD 18.2.3.2	Appendix 3.2 MHCLG response
CD 18.2.4.1	Appendix 4.1 Inspector’s Report - 2005 appeal
CD 18.2.4.2	Appendix 4.2 Multimodal trip rates

CD 18.2.4.3	Appendix 4.3 Trip rates
CD 18.2.4.4	Appendix 4.4 Trip Rate – Newlands Park
CD 18.2.4.5	Appendix 4.5 Traffic routs from the ES site to the A413
CD 18.2.4.6	Appendix 4.6 Strategic Traffic Model validation test
CD 18.2.4.7	Appendix 4.7 Strategic Traffic Model error
CD 18.2.4.8	Appendix 4.8 Strategic Traffic Model junction assessment
CD 18.2.4.9	Appendix 4.9 Strategic Traffic Model new links
CD 18.2. 4.10	Appendix 4.10 Trip Rate assignment to junction entries
CD 18.2.4.11	Appendix 4.11 Strategic Traffic Model DS1 a.m. peak traffic flows
CD 18.2.4.12	Appendix 4.12 Highways development comments
CD 18.2.4.13	Appendix 4.13 Chiltern Ward Profiles
CD 18.2.4.14	Appendix 4.14 Travel Survey
CD 18.2.4.15	Appendix 4.15 Mobility Hub
CD 18.2.4.16	Appendix 4.16 Proposed transport through-route
CD 18.2.4.17	Appendix 4.17 Footpaths and bus stops
CD 18.2.4.18	Appendix 4.18 Proposed parking arrangements
CD 18.2.5.1	Appendix 5.1 Active Travel England advice note
CD 18.2.5.2	Appendix 5.2 Multimodal trip rates
CD 18.2.5.3	Appendix 5.3 Walking and cycling routes to Chalfont St Peter and Gerrards Cross Station
CD 18.2.6.1.	Chiltern District Policy TR2 (extract)
CD 18.2.6.2	Images of Misbourne Avenue
CD 18.2.6.3	Images of physical constraints in the lanes adjacent to the site
CD 18.2.6.4	Images of accidents and congestion in the lanes adjacent to the site
CD 18.2.6.5.	Access flooding
CD 18.3	SENSE – Proof of Evidence - Business Case - Michael Leyland
CD 18.3.1	Appendix 1 Epilepsy Society Financial Statement 2021 – 2022 - Abridged
CD 18.3.2	Appendix 2 Epilepsy Society Financial Statement 2022 -2023 – Abridged
CD 18.3.3	Appendix 3 Epilepsy Society Financial Statement 2023 – 2024 - Abridged
CD 18.3.4	Appendix 4 The Insolvency Service Statistics Dec 24 - webpage
CD 18.3.5	Appendix 5 Affordable Housing
CD 18.3.6	Appendix 6 Government Press Release – Pension scheme funding
CD 18.3.7	Appendix 7 Letter from Body Health Fitness
CD 18.3.8	Appendix 8 Advert for a UCLH Staff Nurse at the Chalfont site
CD 18.3.9	Appendix 9 Advert for a UCLH doctor at the Chalfont site

CD 18.3.10	Appendix 10 Cazenove Charity Multi-Asset Fund
CD 18.3.11	Appendix 11 Epilepsy Society planning appeal outcome 2005
CD 18.3.12	Appendix 12 UCL Epilepsy Image Group - webpage
CD 18.3.13	Appendix 13 ES Neuroimaging - webpage
CD 18.3.14	Appendix 14 Operating a DNA Service - webpage
CD 18.3.15	Appendix 15 UCL extract from webpage – Department of Clinical and Experimental Epilepsy
CD 18.3.16	Appendix 16 Epilepsy Society Medical Service - webpage
CD 18.3.17	Appendix 17 UCLH webpage
CD 18.3.18	Appendix 18 UCL Research into Epilepsy - webpage
CD 18.3.19	Appendix 19 Epilepsy Society researchers
CD 18.3.20	Appendix 20 Dr Helen Martins
CD 18.3.21	Appendix 21 Meath - webpage
CD 18.3.22	Appendix 22 Epilepsy society Neuropathology - webpage
CD 18.3.23	Appendix 23 UCL Epilepsy Society Brain Tissue Bank- webpage
CD 18.3.24	Appendix 24 UCL Department of Experimental Research into Epilepsy
CD 18.3.25	Appendix 25 UCL clinical researchers – page 1
CD 18.3.26	Appendix 26 UCL clinical researchers – page 2
CD 18.3.27	Appendix 27 Young Epilepsy Annual Report 2024
CD 18.3.28	Appendix 28 Epilepsy Society research papers on their website
CD 18.3.29	Appendix 29 Epilepsy Society newsletter – 9th July 2025
CD 18.3.30	Appendix 30 Epilepsy Society newsletter – 6th Feb 2025
CD 18.3.31	Appendix 31 Dr Angeliki Vakrinou
CD 18.3.32	Appendix 32 Epilepsy Society newsletter 4th September 2023
CD 18.3.33	Appendix 33 UCL President’s visit to the ES centre in Chalfont
CD 18.3.34	Appendix 34 New Statesman article 13th October 2023
CD 18.3.35	Appendix 35 ERI UK Annual Report
CD 18.3.36	Appendix 36 Epilepsy Society Land Value Sensitivity
CD 18.3.37	Appendix 37 The History of the Epilepsy Society
CD 18.4	SENSE Rebuttal
CD 18.4.1	1. Scannappeal Bucks MRI Appeal
CD 18.4.2	2. Careers at Chalfont
CD 18.4.3	3. 90% Clinical failure rate for drugs in development
CD 18.4.4	4. Meath Annual report 2025
CD 18.4.5	5. Guidance on the Going Concern Basis of Accounting and Related Reporting

CD 18.4.6	6. Leonard Cheshire Charity Commission Investigation
CD 18.4.7	7. Leonard Cheshire Annual Accounts 2022
CD 18.4.8	8. Leonard Cheshire reports surplus
CD 18.4.9	9. HMRC Guidance Additional information you must submit before you claim R&D tax credit
CD 18.4.10	10. The NHS savings from expanded research
19	**Appellant's Proofs of Evidence**
CD 19.1	Planning Proof of Evidence of Caroline McDade
CD 19.1.1	Planning Proof Appendix 1: Technical Note on Design (Felicie Krikler)
CD 19.1.2	Planning Proof Appendix 2: Table of Responses to Matters Raised in R&D Pre-Application Response
CD 19.2	Landscape Proof of Evidence of Mark Flatman
CD 19.2.1	Landscape Proof Appendix A: Zone of Theoretical Influence
CD 19.2.2	Landscape Proof Appendix B Effects Tables (September 2025)
CD 19.2.3	Landscape Proof Appendix C Tree Officer Consultation Responses
CD 19.3	Transport Proof of Evidence of Paul Cranley
CD 19.3.1.1	Transport Proof Appendix A: Letter from Carousel Buses (30 July 2025)
CD 19.3.1.2	Transport Proof Appendix A: Letter from Carousel Buses (17 June 2025)
CD 19.3.2	Transport Proof Appendix B: Carousel Bus Network Map (September 2025)
CD 19.3.3	Transport Proof Appendix C: Email from Nick Small, Carousel Buses (21 August 2025)
CD 19.3.4.1	Transport Proof Appendix D: Additional Sensitivity Test Junction Modelling: Gravel Hill/Rickmansworth Lane (05 August 2025)
CD 19.3.4.2	Transport Proof Appendix D: Additional Sensitivity Test Junction Modelling: Amersham Rd/The Paddock (05 August 2025)
CD 19.4	Epilepsy Society Chief Executive Proof of Evidence of Clare Pelham
CD 19.5	Epilepsy Society Business Case Proof of Evidence of Andy James
CD 19.6	Epilepsy Society Clinical and Research Work Proof of Evidence of Sanjay Sisodiya
20	**Consultee responses against original application**
CD 20.1	Affinity Water - 27.09.2022
CD 20.2	Affinity Water 2- 17.02.2023
CD 20.3	Affinity Water 3 - 13.05.2024
CD 20.4	Affordable Housing - 15.09.2022
CD 20.5	Affordable Housing 2 - 22.04.2024
CD 20.6	Archaeology 2 - 20.05.2024
CD 20.7	Archaeology Officer - 20.09.2022
CD 20.8	BOB Integrated Care Board - 29.09.2022
CD 20.9	BOB Integrated Care Board 2 - 03.02.2023
CD 20.10	BPA - 03.05.2024
CD 20.11	British Pipeline 1 OF 5 - 08.09.2022

CD 20.12	British Pipeline 2 OF 5 - 08.09.2022
CD 20.13	British Pipeline 3 OF 5 - 08.09.2022
CD 20.14	British Pipeline 4 OF 5 - 08.09.2022
CD 20.15	British Pipeline 5 OF 5 - 08.09.2022
CD 20.16	British Pipeline Agency - 03.02.2023
CD 20.17	Bucks Healthcare NHS Trust - 02.09.2024
CD 20.18	Chalfont St Peter Parish 2 - 08.11.2022
CD 20.19	Chalfont St Peter Council - 06.10.2022
CD 20.20	Chalfont St Peter Council - Ecolo - 24.02.2023
CD 20.21	Chalfont St Peter Council - Repre - 24.02.2023
CD 20.22	Chalfont St Peter Council 2 - 02.02.2023
CD 20.23	Climate Response Team - 16.01.2023
CD 20.24	Dacorum Borough Council - 07.10.2022
CD 20.25	Dacorum Borough Council 2 - 14.05.2024
CD 20.26	Ecology 3 - 21.05.2024
CD 20.27	Ecology 4 - 21.05.2024
CD 20.28	Ecology Officer - 14.10.2022
CD 20.29	Ecology Officer 2 - 24.02.2023
CD 20.30	Environmental 4 - 01.05.2024
CD 20.31	Environmental Agency - 04.08.2023
CD 20.32	Environmental Health - 31.10.2022
CD 20.33	Environmental Health 2 - 03.03.2023
CD 20.34	Environmental Health 3 - 01.02.2023
CD 20.35	Environmental Protection Team - 19.08.2024
CD 20.36	Heritage 2 - 17.06.2024
CD 20.37	Heritage Officer - 15.12.2022
CD 20.38	Highways Officer - 19.12.2024
CD 20.39	HS2 - 13.10.2022
CD 20.40	LAUD - Part 1 - 15.03.2024
CD 20.41	LAUD - Part 2 - 15.03.2024
CD 20.42	Minerals and Waste Team - 21.05.2024
CD 20.43	Natural England 3 - 13.05.2024
CD 20.44	Natural England - 25.10.2022
CD 20.45	Natural England 2 - 10.02.2023
CD 20.46	Newt Officer - 02.06.2023
CD 20.47	Parish 2 - 06.06.2024
CD 20.48	Parish - 15.05.2024
CD 20.49	Parish 3 - 25.06.2024
CD 20.50	Parish 4 - 26.06.2024
CD 20.51	Parish 5 - 23.09.2024
CD 20.52	Parish 6 - 11.10.2024
CD 20.53	Primary Care Support - 30.04.2024
CD 20.54	School Place Planning Commissioning Part - 10.01.2022
CD 20.55	Sense 4csp - 05.11.2024
CD 20.56	Sport England - 21.09.2022
CD 20.57	Sport England 2 - 14.09.2022
CD 20.58	Sport England 3 - 10.02.2023
CD 20.59	Sports England - 10.05.2024
CD 20.60	Strategic Access - 16.09.2024
CD 20.61	Strategic Environmental Health - 05.10.2022
CD 20.62	Strategic Environmental Health 2 - 01.02.2023

CD 20.63	Suds - 15.09.2022
CD 20.64	Suds 2 - 10.02.2023
CD 20.65	Suds 3 - 14.10.2024
CD 20.66	Sustainable Drainage - 08.05.2024
CD 20.67	Thames Water - 31.10.2022
CD 20.68	Thames Water 2 - 24.04.2024
CD 20.69	Three Rivers District Council - 14.10.2022
CD 20.70	Tree Officer - 12.06.2024
CD 20.71	Tree Officer - 23.02.2023
CD 20.72	Waste - 22.02.2023
CD 20.73	Waste 2 - 08.05.2024
21	**Consultee responses against appeal notification**
CD 21.1	Parish Council Capita Report
22	**Appellants Rebuttals**
CD 22.1	Sanjay Sisodiya - Rebuttal 16.09.25
CD 22.1.1	Our strategy to beat cancer Cancer Research UK compressed
CD 22.1.2	Request for Tissue UCL Faculty of Brain Sciences
CD 22.2	Andy James - Rebuttal 16.09.25
CD 22.3	Caroline McDade - Rebuttal 16.09.25
CD 22.4	Mark Flatman - Rebuttal 16.09.25
CD 22.4.1	Newlands Park Tree Survey
CD 22.5	Paul Cranley - Rebuttal 16.09.25
23	**Draft Conditions and S106**
CD 23.1	Conditions to be imposed R6
CD 23.2	Epilepsy Society Draft Conditions 16.09.25
CD 23.3	CIL compliance table 16092025_02
CD 23.4	Draft S106 Agreement (02.10.25)

ANNEX C: DOCUMENTS SUBMITTED DURING THE INQUIRY

Inquiry Documents can be accessed at: Epilepsy Society Public Inquiry - Documents - CD24 Inquiry Documents - All Documents

INQ Ref	Description
ID 1	Appellants Opening Statement
ID 2	Councils Opening Statement
ID 3	Rule 6 Opening Statement
ID 4	Julian Foster Updated Statement
ID 5	David Powell
ID 6	Charlotte Fry
ID 7	Richard Silman
ID 8	Jo Hardiman
ID 9	Hamish Roberts
ID 10	Ron Durnford
ID 11	Charles Phelps
ID 12	Mr Gurdip Kalley
ID 13	Denise Ryan
ID 14	Cllr Linda Smith
ID 15	David Burbidge
ID 16	Mr Shinner
ID 17	Simon Hall (on behalf of Eleanor Hall)
ID 18	Anne Marie Vladar
ID 19	Response to SoCG - Transport - 02.10.25
ID 20	Mr Leyland – Epilepsy Research – 02.10.25
ID 21	BNG Note
ID 22	Note on Housing numbers 06102025 06
ID 23	Surface flood PPG update 07102025 02
ID 24	Buckinghamshire's Economic Growth Plan
ID 25	Epilepsy Society Appeal Public Rights of Way Note
ID 26	Bucks Local Housing Needs Assessment-Report of Findings Consultation Draft: September 2025
ID 27	Andy James Note
ID 28	Note responding to land occupation points
ID 29	Measurements on a plan that have been agreed between Mr Flatman and Ms Sechi
ID 30	Email from the Bus Company covering additional points raised in the Inquiry
ID 31	Note on Housing Numbers (updated 09.10.25)
ID 32	DRAFT S106 Agreement (08.10.25)
ID 33	Happold Technical Note
ID 34	Mr James Further Note
ID 34.1	Mr James Further Note Appendix
ID 35	National Landscape
ID 36	T Brooker Statement
ID 37	Draft S106 Agreement (09.10.25)

ID 38	LPA Closing Submissions
ID 39	SENSE4CSP Closing Submissions
ID 39.1	SENSE Comments in response to email from Bus Company
ID 39.2	SENSE Further Transport Submissions
ID 39.3	SENSE Note in response to Buro Happold Note 8 Oct 2025
ID 40	Epilepsy Society Appeal Appellant Closing Submissions
ID 41	Site Visit Itinerary - amended 12.10.25
ID 42	Epilepsy Society Draft Conditions 22.10.25 BC + Appellant V3
ID 43	SENSE - Response to Andy James' NHS Savings Paper - 26.10.25
ID 44	Completed S106 Agreement dated 28 October 2025

ANNEX D – SCHEDULE OF RECOMMENDED CONDITIONS

Reserved matters / Time limits

1. Details of access (excluding details submitted in full at Outline), appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase shall be submitted to and approved in writing by the local planning authority before any development in that phase begins and the development shall be carried out as approved.

   Reason: This is an outline permission granted in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. Applications for the approval of the first reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

   Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of three years from the date of this outline planning permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

   Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

4. The development and applications for the approval of the reserved matters shall be in accordance with the following plans:
   Site Location Plan (CCE-ASA-XX-XX-DR-A-0100 P13)

   Masterplan Density and Heights Range Parameter Plan (CCE-ASA-XX-XX-DR-A-0203 P15)

   Masterplan Vehicular and Pedestrian Access Parameter Plan (CCE-ASA-XX-XX-DR-A-0201 P17)

   Masterplan Land Use Parameter Plan (CCE-ASA-XX-XX-DR-A-0200 P16)

   Site Demolition and Retention Plan (CCE-ASA-XX-XX-DR-A-0103 P12)

   Reason: For the avoidance of doubt and in the interests of the proper planning of the area.

Phasing plan

5. Within 12 months of the date of this planning permission, a Phasing Plan should be submitted for approval in writing by the Local Planning Authority. The Phasing Plan should show the scale and phased sequence of build out including the relationship of dwellings to the delivery of infrastructure. The development shall be carried out in accordance with the agreed Phasing Plan.

Reason: To ensure that the development is comprehensively planned, designed and phased to ensure that the provision of the different land uses within the site are delivered and protected in order to comply with the relevant policies in the Development Plan.

Design Code

6. A Design Code covering the whole site shall be submitted with the first reserved matters application and be approved in writing by the Local Planning Authority. Thereafter, all reserved matters applications for each phase shall be in accordance with the approved Design Code.

   Reason: To build on the strategic principles set out in the outline application, to give certainty about key design elements and high quality outcomes, and to ensure that the development is built to a high standard of design and is comprehensively planned in accordance with Chiltern District's Local Plan Policy GC1 and Core Strategy Policies CS4 and CS20 and the National Planning Policy Framework.

Strategic Landscaping Plan

7. Prior to the submission of first reserved matters application a strategic landscaping plan for the entire site shall be submitted to and approved in writing by the Local Planning Authority. The strategic landscape plan should have consideration to the site-wide landscaping principles included within the Design and Access Statement and Illustrative Masterplan (CCE-ASA-XX-XX-DR-A-0206 P9).

   Reason: To ensure a strategic and comprehensive approach is taken to the landscape proposals within each phase in the interests of amenity, green infrastructure, biodiversity and recreation in accordance with Chiltern District's Local Plan Policies GC1, GC4 and NC1 and Core Strategy Policies CS4, CS20, CS24 and CS32 and the National Planning Policy Framework.

Total quantum and/or use of development

8. The development to be constructed on the site shall not exceed:
   Up to 975 homes (Planning Use Class C3)

   Up to 75 bed care home (Planning Use Class C2)

   Land for a two-form entry Primary School (2,290 sq.m) (Planning Use Class F1a)

   Up to 2000 sq.m of Research and Development Space (Planning Use Class E)

   Up to 700 sq.m for a local retail centre (Planning Use Class E)

   Reason: In order to control the development to the quantum that has been assessed and in the interests of seeking to create a sustainable form of development in accordance with the National Planning Policy Framework.

9. The care home hereby permitted shall be used for C2 purposes only and for no other purpose, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-

enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure provision of care accommodation to meet needs and in the interests of seeking to create a sustainable form of development to comply with the National Planning Policy Framework.

10. The local centre hereby permitted shall not exceed a floorspace of 700sqm (Gross External Area) and shall only be used for purposes falling within use class E.

Reason: To ensure that inappropriate uses do not take place in this locality and in the interests of highway safety and seeking to create a sustainable form of development to comply with the National Planning Policy Framework.

Pre-commencement conditions:

Levels

11. No development within the relevant phase (other than tree protection measures and site clearance) shall commence until drawings that identify the following have been submitted to and approved in writing by the Local Planning Authority:

(a) Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).

(b) The level of the road(s) at public highway access points to the site on Chesham Lane and Rickmansworth Lane (AOD).

(c) The proposed levels on site following completion of the development (for each existing height a proposed height should be identified).

(d) The location and type of any retaining structures needed to support ground level changes.

(e) The Finished Floor Level for every building that is proposed.

(f) Cross sections within the site taken up to the site boundaries. The information supplied should clearly identify if land levels are being raised or lowered.

(g) In the case of residential development, sections showing the level of the proposed garden(s) and retaining structures.

Thereafter the development within each phase shall be implemented in accordance with the approved details.

Reason: To ensure that the proposal is constructed at an acceptable level with regards to the surrounding area and to ensure a satisfactory form of development in accordance with Chiltern District Core Strategy Policies CS4 and CS20 and the National Planning Policy Framework.

Tree Protection

12. No development within a phase shall commence until a detailed Arboricultural Impact Assessment, a full Arboricultural Method Statement and Tree Protection Plan for that phase have been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the retained trees within and around the site in relation to that phase. This statement shall include details of protection measures for the trees during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. The development within the relevant phase shall then be carried out in accordance with the approved documents and under the supervision of a retained arboricultural specialist in order to ensure that the phasing of the development accords with the stages detailed in the method statement and that the correct materials and techniques are employed.

    Reason: To ensure that the existing established trees within and around the site that are proposed to be retained are safeguarded during construction operations in the interests of amenity, biodiversity and green infrastructure in accordance with Chiltern District Local Plan Policies GC4 and TW6 and Core Strategy Polices CS20, CS24 and CS32 and the National Planning Policy Framework. This is a pre-commencement condition as it relates to the construction process and to ensure the long-term health of the trees

Land Contamination

13. No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority:

    i) A site investigation to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

    ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

    iii)A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

    The scheme shall be implemented as approved.

    Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Chiltern District Policy GC9 and the National Planning Policy Framework.

CEMP (Biodiversity)

14. No development shall commence within each phase of the development (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the Local Planning Authority for that phase. The CEMP (Biodiversity) shall include the following:

    a. Risk assessment of potentially damaging construction activities;

    b. Identification of "biodiversity protection zones" including off-site receptors;

    c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

    d. Updated bat surveys where potential roosting features (PRFs) (those which are suitable for supporting multiple bats i.e. a maternity roost) have been identified at the time remedial measures are required to trees within the site.

    e. Updated bat and badger surveys with other surveys updated where relevant

    f. Amphibian and reptile mitigation

    g. The location and timing of sensitive works to avoid harm to biodiversity features;

    h. The times during construction when specialist ecologists need to be present on site to oversee works;

    i. Responsible persons and lines of communication;

    j. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and

    k. Use of protective fences, exclusion barriers and warning signs.

    The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

    Reason: To ensure the protection of species and habitats within and outside the site during construction in terms of environmental impacts and to accord with Chiltern District Core Strategy Policies CS4 and CS24 and the National Planning Policy Framework 2021. This is a pre-commencement condition as it relates to the construction process.

Surface Water Drainage Scheme

15. No development shall commence on a phase until such time as a detailed surface water drainage scheme for the Site, including each, relevant phase, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development for that phase has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

i) Undated detailed hydraulic modelling to demonstrate that surface water overland flow routes can be adequately conveyed and safely managed through the detailed development site layout without detriment to third parties;

ii) Additional Ground Investigation in the form of Infiltration rate testing in accordance with BRE Digest 365 (shallow infiltration) and BS5930/BS EN ISO 222282 (deeper infiltration) within the specific locations of proposed infiltration components;

iii)Confirmation that infiltration based SuDS have been situated a minimum of 10m-5m away from any foundation or building, or as specified by a suitably qualified geotechnical engineer taking into account the requirements of the Building Regulations and CIRA 574 Engineering in Chalk (where applicable);

iv) Subject to infiltration being unviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined within paragraph 080 of the Planning Practice Guidance;

v) Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusions if necessary;

vi) Demonstration that water quality, ecological and amenity benefits have been considered;

vii) Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components. Confirmation must be provided that suitable pre-treatment measures required to minimise the risk of pollution to controlled groundwaters through the discharge of development run off to ground have been agreed with relevant water company (Affinity Water) and/or Environment Agency;

viii) Full construction details of all SuDS and drainage components;

ix) Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components;

x) Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site; and

xi) Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: To ensure that there is a suitable mitigation strategy for managing surface water flood risk and a sustainable drainage strategy has been agreed

in accordance with Paragraph 173 and 175 of the National Planning Policy Framework.

Construction Traffic Management Plan

16. No development shall commence within each phase of the development until a Construction Traffic Management Plan for that relevant phase which includes the following details has been submitted and approved in writing by the Local Planning Authority:

a. Construction phasing of the development;

b. Construction access;

c. The proposed construction traffic routes to the site, to be identified on a plan;

d. Proposed site security measures to remain in place during the construction of the site, to be identified on a plan;

e. An estimate of the daily movement of the construction traffic, profiled for each construction phase, identifying the peak level of vehicle movements for each day including an agreed daily maximum for HGV movements;

f. Management and timing of deliveries;

g. A condition survey of the surrounding highway network;

h. Vehicle parking for site operatives and visitors;

i. Site compound;

j. Storage of materials;

k. Dust management plan - to include, but not necessarily be limited to, the measures described in Section 8.2 of the Institute Air Quality Management 'Guidance on the assessment of dust from demolition and construction' (mitigation for all sites);

l. Precautions to prevent the deposit of mud and debris on the adjacent highway;

m. Construction Traffic Management (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction) so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (08:00-09:00 hours) and PM Peak (16:30-18:00 hours) periods;

n. The hours of construction work and deliveries;

o. Details of wheel and chassis underside washing facilities;

p. The mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;

q. The storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);

r. A Soil Management Plan;

s. The proposed maintenance and aftercare of the site setting out a strategy for revegetating the site as soon as practicable;

t. Contact details of personnel responsible for the construction works, and how these details will be communicated to the Chalfont St Peter Town Council and the local community;

u. On-going monitoring and assessment during construction to ensure environmental objectives are achieved; and

v. Details of stakeholder/public communications plan.

The development hereby permitted shall thereafter be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: To safeguard the amenities of nearby residential and commercial premises and the area generally in accordance with Chiltern District Local Plan Policy GC7 and Core Strategy Policy CS4 and the National Planning Policy Framework.

Construction Waste

17. No development shall commence within each phase until a detailed management plan for construction waste management arrangements and how the scheme will reduce construction waste during the building process in the form of site management, waste management and project design and planning for that relevant phase has been submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be implemented throughout the period of work on site.

Reason: In the interests of minimising, re-using and recycling waste during demolition and construction, in accordance with Chiltern District Local Plan Policy GC7 and Core Strategy Policy CS4 and the National Planning Policy Framework.

Archaeology

18. No development shall commence on the relevant phase until an archaeological evaluation of the site shall have been undertaken in the form of trial trenching in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Where significant archaeological remains are confirmed, these will be preserved in situ, and no reserved matters applications shall be submitted until an appropriate methodology for their preservation in situ has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Where archaeological remains are recorded by evaluation and are not of sufficient significance to warrant preservation in situ but are worthy of recording, no reserved matters applications shall be submitted until the

implementation of a programme of archaeological work has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: In the interest of archaeological investigation or recording, and to accord with Chiltern District Local Plan Policy AS2 and Core Strategy Policy CS4 and the National Planning Policy Framework 2021.

Energy

19. No development shall commence on any relevant phase until an energy statement demonstrating how on-site renewable or low-carbon energy provision (including its distribution and full operational management systems) will be incorporated into the design and construction of the development within that phase, to provide at least 10% of the energy supply of the development secured from renewable or low-carbon energy sources, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The measures in the energy statement shall be implemented as approved prior to the first occupation of any relevant building or use.

Reason: To achieve improved energy conservation and protect natural environmental resources, in accordance with Policies 8 and 12 of the South Bucks Core Strategy (Adopted) February 2011.

Bat Mitigation Strategy

20. No development shall commence within a phase (including vegetation clearance) until a Bat Mitigation Strategy addressing the mitigation and compensation measures relating to bats (in accordance with the Environmental Statement, Bat Survey Report and Bat Mitigation Technical Note by Greengage (Aug 2025)) for the relevant phase has been submitted and approved in writing by the Local Planning Authority.

The Bat Mitigation Strategy shall include:

1. Details of the avoidance, mitigation and compensation measures to ensure favourable conservation of the bats at the site including;

    a. The results of updated surveys (as necessary),

    b. The mitigation measures to be used during construction,

    c. Details of the provision of replacement roosting features which shall incorporate both inbuilt features and bat boxes on trees with one feature provided for every 2 dwellings.

2. Details of the wildlife corridor to provide continued landscape connectivity across the site both north to south and east to west for all species of bats including;

    a. Details of the native planting (species, sizes, and locations), to enhance the existing hedgerows,

    b. Details of the new compensatory link as shown within the Bat Mitigation Technical Note by Greengage (Aug 2025) to include a new (or

translocated) native species rich hedgerow with trees within a 20m unlit vegetated buffer.

c. Details of the long-term management and monitoring including remedial measures

Thereafter, the development shall be carried out in accordance with the approved details.

Reason: The reason for this pre-start condition is to comply with the requirements of the Conservation of Habitats and Species Regulations 2017, Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the council's NERC Act Duty, the National Planning Policy Framework (NPPF) and in accordance with policy CS24 of the Local Plan.

Landscape Ecological Management Plan (LEMP)

21. No development shall commence on any phase until a Landscape and Ecological Management Plan (LEMP) for that relevant phase has been submitted to and approved in writing by the local planning authority. The LEMP will be supported with updated ecological surveys where relevant. The content of the LEMP shall include the following.

a. Description and evaluation of features to be managed;

b. Ecological trends and constraints on site that might influence management;

c. Aims and objectives of management which will be in accordance with the Biodiversity Net Gain (BNG)

Report (Feb 2025, or as amended);

d. Appropriate management options for achieving aims and objectives.

e. Prescriptions for management actions.

f. Preparation of a work schedule (including an annual work plan capable of being

rolled forward over a thirty-year period).

g. Details of the body or organization responsible for implementation of the plan.

h. Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details for a minimum of thirty years.

Reason: To ensure appropriate protection and enhancement of biodiversity, to make appropriate provision for natural habitat within the approved development and to provide a reliable process for implementation and aftercare and to ensure the opportunities for species specific ecological enhancement has been delivered to the satisfaction of the LPA.

Habitat Management and Monitoring Plan (HMMP)

22. No development shall commence on any phase until a Habitat Management and Monitoring Plan (HMMP) for that relevant phase which details, in full, how the significant habitat creation and enhancement (the areas identified as a Community Nature Reserve, including the woodland) will be established, managed and monitored for no less than 30 years, has been submitted to and approved in writing by the Local Planning Authority. The HMMP will be in general accordance with the submitted draft BNG Report (Feb 2025) and will be supported by updated ecological surveys where relevant. The HMMP will include:

    a. Current soil conditions (to include N, P, K and Ph) of any areas designated for habitat creation where the soil status could impact the outcome;

    b. Details of capital works required to establish the habitat(s);

    c. Details of both species composition and abundance where planting is to occur;

    d. Specific management prescriptions for all habitats for a period of no less than 30 years;

    e. Assurances of achievability;

    f. Timetable of delivery for all habitats; and

    g. A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority;

    h. Details of the responsible organisation who will undertake the management and monitoring;

    i. Details of how the long-term management and monitoring will be funded.

    The development shall be undertaken and thereafter maintained in accordance with the approved HMMP.

    Reason: To ensure that the development achieves a net gain in biodiversity.

Farmland Bird Compensation Scheme

23. No development shall commence until a Farmland Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The scheme shall provide details and locations of measures to compensate for the loss of farmland bird habitat on-site, e sufficient to compensate for the loss of 7 skylark territories and habitat for other specialist farmland birds from the development site.

    The development shall be implemented in accordance with the measures set out in the approved compensation scheme.

Reason: To provide compensation for the loss of farmland birds from the site.

Sensitive Lighting Strategy

24. No development shall commence in each phase until a Sensitive Lighting Scheme for wildlife for that phase has been submitted to and approved in writing by the local planning authority. The scheme will ensure that the central woodland belt and other sensitive areas remain dark. The scheme shall:

a) identify those areas/features on site that are particularly sensitive for nocturnal wildlife such as bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging, and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory, commuting or having access to their breeding sites and resting places.

All external lighting within that phase shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: Many species active at night are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established movement corridors or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. Limiting negative impacts of light pollution in line with the NPPF.

Highways

25. Prior to commencement of the development, the visibility splays onto Chesham Lane and Rickmansworth Lane shown on drawing references 103055-T-001, 103055-T-008 and 103055-T-003 shall be provided on both sides of the vehicle accesses and the area contained within the splays shall be kept free of any obstruction between 0.6 and 2.0 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

26. No development shall commence until a Movement Plan, to include key sustainable transport corridors providing details of pedestrian and cycle routes through the site, shall be submitted and approved in writing by the Planning Authority in consultation with the Highway Authority.

Reason: In order to promote sustainable methods of travel.

Noise

27. No part of the relevant phase of the development shall commence until the applicant has submitted a detailed acoustic assessment showing how all dwellings in that phase will meet the indoor ambient noise levels outlined in BS8233:2014. The assessment will also demonstrate that noise levels in external amenity spaces associated with individual dwellings shall not exceed the levels specified in BS8233:2014. Any mitigation required to achieve these requirements will be included in the detailed design, and the acoustic assessment, and shall be installed prior to occupation. The acoustic assessment shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To protect the residential amenity of future occupiers of the proposed dwellings.

Mineral Recovery Plan

28. Prior to the commencement of the development hereby permitted, a Mineral Recovery Plan shall be prepared which will assess the areas of construction where minerals would be potentially recoverable, such as groundworks, SUDS and landscaping areas. The Mineral Recovery Plan should consider the extent to which any minerals available on site would meet the specifications required for construction of the development and record the tonnages of recovered usable minerals where possible. The Mineral Recovery Plan shall be submitted to, approved by the Local Planning Authority and adhered to for the duration of construction works on site.

Reason: This condition is required to be pre-commencement to ensure any useable mineral resource on site is recovered and used in construction of the proposed development; in accordance with Policy 1 of the Minerals and Waste Local Plan 2019.

Heritage Buildings

29. An assessment of Skippings Farmhouse and Debenham House shall be submitted with the relevant reserved matters application. The assessment shall set out their historic interest and contribution to the growth of the Epilepsy Society's operational estate and identify those buildings to be retained and reused, and those that are to be demolished. Thereafter, all reserved matters applications for the relevant phase shall be in accordance with the approved assessment and those buildings to be demolished to be approved in writing by the Local Planning Authority.

Reason: Debenham House and Skippings Farmhouse have particular heritage interest and should be retained where practicable. Their historic interest and contribution to the growth of the Epilepsy Society's operational estate should be established to inform which buildings are to be demolished

Pre-occupancy or other stage conditions:

Remediation Method Statement

30. Following completion of measures identified in the approved remediation scheme referred to in Condition 16 (if any) and prior to the first use or occupation of the development, a verification report that demonstrates the

effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to and approved in writing by the Local Planning Authority. The approved monitoring and maintenance programme shall be implemented in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Chiltern District Policy GC9 and the National Planning Policy Framework.

Reporting of Unexpected Contamination

31. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

    Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Chiltern District Policy GC9 and the National Planning Policy Framework.

Wastewater connection

32. Prior to first occupation of the development within a phase hereby permitted a foul water drainage scheme with details of the overall on-site strategy for foul water and a programme for any proposed connection into the public sewage network, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved scheme.

    Reason: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

Highways

33. Prior to the occupation of the development hereby permitted, the new means of access from Chesham Lane and Rickmansworth Lane shall be sited and laid out in general accordance with the approved drawing references 103055-T-001 and 103055-T-003, including all associated pedestrian infrastructure, and constructed to the appropriate Buckinghamshire Council access standards.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

34. Prior to occupation of the development hereby permitted, the existing access onto Chesham Lane shall be altered in general accordance with the approved drawing reference 103055-T-008, including all associated pedestrian infrastructure, and constructed to the appropriate Buckinghamshire Council access standards.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

Noise

35. Prior to the installation of any mechanical services in any non-residential building, an assessment will be conducted in accordance with the provisions of BS4142:2104. The assessment will be carried out at the worst affected residential receptor(s) (or proposed receptor(s) if not yet constructed). Detail of the assessments and proposed mitigation will be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To protect the residential amenity of future occupiers of the proposed dwellings.

.

Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.