Planning Inspectorate

Report to the Secretary of State for Housing, Communities and Local Government

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Date 27th February 2025

The Town and Country Planning Act 1990 (as amended)

Appeal by

Greystoke Land Ltd

Made to

Royal Borough of Windsor and Maidenhead

Table of abbreviations

ALC	Agricultural Land Classification Report
ASA	Alternative Site Assessment
BMV	The best and most versatile agricultural land
BFI	British Film Industry
CIL	Community Infrastructure Levy
ESA	Edge of Settlement Analysis 2016
FTE	Full Time Equivalent (jobs)
GBPA	The Green Belt Purpose Analysis 2013
GVA	Gross Value Added
HCAA	Holyport Conservation Area Appraisal
HDV	Heavy Duty Vehicle
HETV	High End Television
HAFCAG	The Holyport and Fifield Community Action Group
HGV	Heavy Goods Vehicle
LEP	Berkshire Local Economic Partnership
LLFA	Local Lead Flood Authority
LVIA	Landscape and Visual Impact Assessment
PPG	Planning Practice Guidance
PROW	Public Rights of Way
SoCG	Statement of Common Ground
WLC	West London Cluster
ZTI	Zone of Theoretical Intervisibility

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File Ref: APP/T0355/W/24/3346409

Land to the North and South of Gays Lane, Holyport

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was recovered for decision by the Secretary of State by a direction, made under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, on 18 October 2024.
- The application is made by Greystoke Land Ltd to the Royal Borough of Windsor and Maidenhead
- The application Ref 22/03374/OUT is dated 14 December 2022
- The development proposed is outline planning application with matters reserved apart from principal point of access for the demolition of the existing agricultural buildings to create a new state of the art Film and TV Studio including sound stages, ancillary offices, virtual reality studio, storage and warehouses, workshops, specialist studio facilities and outdoor backlot; the creation of a new Nature Park incorporating hard and soft landscaping, green infrastructure, sustainable drainage systems and new cycle and pedestrian facilities, the provision of a new cricket pitch and associated pavilion, with new cycle and pedestrian route, together with supporting infrastructure to include long stay car parking, cycle parking, boundary treatments, waste storage, sub-stations, and new access roundabout and vehicle route.
- The reasons given by the Secretary of State for making the direction were that the appeal involves:
    - Proposals for developments of major importance having more than local significance
    - Proposals for significant development in the Green Belt, and,
    - Particular circumstances (to test economic need, whether very special circumstances apply, and against existing/emerging NPPF policy in relation to significant development in the Green Belt.

Summary of Recommendation:

That the appeal should be dismissed

1. Background and Procedural Matters

1.1 The application was refused by the Council on 21 March 2024. The nine reasons for refusal are set out on the Decision Notice1. In summary they were:

i. The proposal would represent inappropriate development in the Green Belt and there are no very special circumstances which would outweigh harm to the Green Belt and the other harms identified

ii. The development would harm the character of the area and not comply with Local Plan policies QP3 and QP3a

iii. The proposed development would amount to less than substantial harm to Holyport Conservation Area and the setting of the Grade II listed John Gays House

iv. The proposal would have a detrimental impact on highway safety particularly pedestrians and cyclists and the proposed roundabout does not comply with current standards. The location of the scheme is wholly unsustainable and there are no provisions in place to improve this. The proposal is contrary to Local Plan policies IF2 and QP3 and the National Planning Policy Framework

v. The proposal would lead to a significant change to the existing PROW network contrary to Policy IF5 of the Local Plan

vi. The proposal fails to meet the tests required by the Conservation of Habitats and Species Regulations 2017 and Policy NR2 of the Local Plan

vii. The proposal would lead to the permanent/irreversible loss of the best and most versatile agricultural land thereby failing to comply with the National Planning Policy Framework and Policy QP5 of the Local Plan

viii. In the absence of an agreement to secure sustainability measures the proposal fails to meet Policies SP2 and QP1 of the Local Plan

ix. In the absence of a flood mitigation strategy which solely utilises land in the applicant's control/ownership, the proposal fails to demonstrate that adequate sustainable drainage measures can be achieved as required by the National Planning Policy Framework and Policy NR1 of the Local Plan.

1.2 The Highway Authority subsequently reviewed the plans relating to transport and as a result the Council withdrew the part of refusal reason (iv) which related to highway safety. The part that related to unsustainable location remained.

[1] CD.C1

1.3 The Council subsequently confirmed that whilst there would be harm to the amenity of public rights of way the issue of harm would be one of character which would be addressed through refusal reason (ii).

1.4 In respect of refusal reason (vi) the Council considers that if the Secretary of State considered that very special circumstances exist then it is likely too that a licence for derogation from the Habitat Regulations would be granted too. It therefore decided to offer no further evidence on this matter[2].

1.5 The Council subsequently considered that the drainage strategy would be acceptable and can be dealt with through condition. It does not offer any evidence in defence of refusal reason (ix).

1.6 A case management conference was held on 3 September 2024 to discuss administrative and procedural matters. Based upon the reasons for refusal and the evidence, I identified the main considerations as:

1.7 The effect of the proposal on the openness and purposes of the Green Belt.

- The effect of the proposal on – the character and appearance of the area; the Holyport Conservation Area and the setting of John Gay's House; highway safety; the public rights of way network; the best and most versatile agricultural land; biodiversity and drainage/flood risk.
- Whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

1.8 The Inquiry sat for 10 days on 12-16, 19-23 and 26-27 November 2024. I closed the Inquiry on 27 November 2024.I undertook site visits on 11, 18 and 26 November 2024. The first two of these site visits were unaccompanied. I walked around the site and immediately surrounding area using the public rights of way network and also visited the wider surrounding area. For the site visit on the 26 November, I was accompanied by representatives of the appellant, the Council and the Holyport and Fifield Community Action Group (HFCAG). Immediately prior to that visit, at the request of HFCAG , I had made unaccompanied morning peak time site visits to observe traffic conditions at a number of locations on the local network including, Braywood School, Holyport village green and the Jolly Gardener public house.

1.9 Three Statements of Common Ground (SoCG) were provided to the Inquiry. Two were early drafts covering planning and landscape but a third more comprehensive statement of common ground agreed by both the appellant and the Council was provided at the start of the Inquiry[3].

1.10 A draft planning obligation was submitted at the outset of the Inquiry. A further draft was submitted during the Inquiry and a final executed agreement was submitted after the close of the Inquiry, with my permission.

[2] ID.14 Statement of Common Ground paragraphs 6.6-6.9
[3] ID.14 Statement of Common Ground

1.11 The final executed agreement[4] under section 106 of the Act (the s106 agreement) was made between the applicant, the land owners and the Council.

1.12 The Inquiry Library of Core Documents was held online prior to and during the course of the Inquiry. All documents referred to in my report can be found in the library. This can be accessed via:

www.rbwm.gov.uk/planning-and-building-control/land-north-and-south-gays-lane-maidenhead-public-inquiry

1.13 On 12 December 2024, just two weeks after the close of the Inquiry, a new version of the National Planning Policy Framework was published. As a result, I invited the parties to make additional submissions by 9 January 2025 solely on whether the new Framework had any relevance to their case. Submissions were received from the appellant, the Council, Holyport and Fifield Community Action Group and Bray Parish Council. These have been added to the Inquiry Library as post Inquiry Documents. I have included reference to these submissions in the summary of the parties cases. I have taken account of these representations in my recommendation.

2. The Appeal Site and Surroundings

2.1 The appeal site consists of around 43 hectares of predominantly undeveloped farmland to the south east of the village of Holyport. The site is bisected diagonally by Gays Lane, an umade track, which runs from Holyport to the B3024 Forest Green road to the south.

2.2 The land is generally flat, with a number of farm buildings located on or on the edges of the site. Hedges and trees are a feature of the site, mainly following the edges of the fields or the numerous public footpaths which run through or around the edge of the site. There are also some small ponds and ditches present on the site and within the surrounding area.

2.3 There are some farm buildings, at Oak Tree Farm, in a central location, but these lie outside of the appeal site boundary. Stroud Farm lies outside of the site to the north east. A farm track which gives access to it from the south crosses the appeal site. Budds Farm lies outside of the site to the south west. Some farm buildings lie to the southern end of the site alongside Green Lane, some outside of the site and some within.

2.4 A number of residential properties lie to the south of the site, along Forest Green Road. Residential properties lie to the west away from the site along Moneyrow Green and further to the south east is Fifield. Some parts of Holyport village are visible from parts of the site.

2.5 In terms of planning history, the only relevant application was an application made by Maidenhead Target Shooting Club in December 2018 on a small part of the appeal site for the erection of a clubhouse and toilets, car park, shooting stands, bunds, fencing and landscaping to the rear of Oak Tree Farm. The

[4] PD5 Final S106 Agreement

application was refused by the Council in October 2019 and dismissed on appeal on green belt grounds in December 2020.[5]

3. The Proposal

3.1 The proposed development is summarised in the Planning Statement [6].

3.2 The proposed development is in outline with all matters reserved except for the principal point of access.

3.3 The proposal would bring forward around 69,0000 sqm of new film and tv studio space. The development is proposed to be in two different parts of the site, site A and site B, together with the creation of a backlot area and a new nature park. Sites A and B will lie to the west of Gays Lane, with the backlot area and the nature park lying to its east.

3.4 Approximately 29,000 sqm of the new studio space would be accommodated in site A, and around 40,000 sqm in site B. Of the total floorspace, around 22,223 sqm of the total development would be for new soundstages. The soundstages would be the largest buildings on the site. Whilst the details of these buildings are reserved for subsequent approval, the submitted maximum heights plan[7] shows the tallest buildings at 21m in height. There would be 7 of these 21m high buildings. There would also be two and three storey production offices and other buildings which will support activity on the site, along with surface and multi-storey car parking and associated infrastructure.

3.5 A backlot area of around 2.3 hectares would be created to the east of Gays Lane but close to its southern end. The backlot would be used for outdoor film stages. Whilst a permanent feature, these outdoor stages would be taken down and set up depending on the needs of the particular production.

3.6 A new nature park of around 16.9ha would be created to the east of Gays Lane, with the intention of it being a resource primarily for local residents. This nature park will include a cricket pitch and pavilion. The nature park will be separate from the studio complex.

3.7 Vehicular access to the site would be provided by way of a new four arm roundabout to be located on Forest Green Road to the south of the site. Other entry routes will be provided for pedestrians and cyclists.

3.8 The development would be an independent, purpose built, staffed, multi-staged, fully equipped scheme.

4. Planning Policy

4.1 The development plan for the purposes of section 38 (6) of the Planning and Compulsory Purchase Act 2004, includes the Royal Borough of Windsor and

[5] CD.G10e APP/T035/W/20/3251178 Oak Tree Farm (r/o), Gays Lane, Maidenhead SL6 2HL
[6] CD.A4
[7] CD.A13

Maidenhead Local Plan 2013-2033[8] (the Local Plan) and the Central and Eastern Berkshire Joint Minerals and Waste Plan[9] . Both plans were adopted in 2022.

4.2 The appeal site is located outside of a settlement boundary and is within the Green Belt.

4.3 The most relevant policies within the development plan are:

- Policy SP1 of the Local Plan which sets out the spatial strategy for the Borough including a focus on three strategic growth areas of Maidenhead, Windsor and Ascot, and that the Green Belt will be protected from inappropriate development in line with national policy.
- Policy QP5 of the Local Plan which sets out the approach to development in the rural areas and the Green Belt, including that the Metropolitan Green Belt, as defined on the policies map of the LP, will be protected against inappropriate development. Policy QP5 of the LP also sets out in criterion 2 that within rural areas proposals should noy result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a).
- Policy QP3 of the Local Plan relates to the character and design of new development and amongst other things requires new development to respect and enhance local, natural or historic character (b) and respect and retains high quality townscapes and landscapes and helps create new townscapes and landscapes (c).
- Policy QP3a of the Local Plan sets out the approach to building height and tall buildings defining a tall building as 1.5 times the context height of the surrounding area or minimum of 4 storeys in a 2 storey area. and that tall building are exceptional forms of development and will only be appropriate in a limited number of circumstances.
- Policy H1 of the Local Plan seeks to ensure that the historic environment is conserved and enhanced in a manner appropriate to its significance and that proposals which harm designated or non designated heritage assets will not be permitted without justification.
- Policy OP1 of the Local Plan relates to sustainability and placemaking and sets out criteria for all new development.
- Policy ED1 of the Local Plan encourages economic development and new job provision including through new allocations, and the intensification of existing sites.
- Policy IF2 of the Local Plan promotes sustainable transport and sets out a number of criteria that development proposals are expected to meet.

[8] CD.D2
[9] CD. D3

- Policy NR1 of the Local Plan seeks to ensure that all developments are located and designed to make flood risk from all sources of flooding acceptable.
- Relevant national policy is to be found in the National Planning Policy Framework (the Framework) with supporting guidance in national Planning Practice Guidance (PPG). Where reference is made to the Framework in this report, it is the December 2024 version, unless otherwise stated.

4.4 There are a number of Supplementary Planning Documents which are relevant to the consideration of the proposal. These include the Building Height and Tall Buildings Supplementary Planning Document[10] (adopted in 2023) which sets out in detail what the Council considers to be appropriate in terms of tall building heights in the Borough.

4.5 There are two Green Belt studies prepared for the Council which are relevant, the Green Belt Purpose Analysis[11] (November 2013) (the GBPA) and the Edge of Settlement Part 1: Green Belt Purpose Assessment[12] (July 2016), (the ESA). The Council approved Landscape Character Assessments part 1 and part 2 , both prepared in September 2004 are relevant.

5. Matters Agreed Between the Council and the Appellant

5.1 Matters agreed between the Council and the appellant are set out in a Statement of Common Ground[13] prepared in November 2024 just before the commencement of the Inquiry. However, in the light of the publication of the revised Framework in December 2024, the appellant has withdrawn from some of the matters previously agreed. This principally concerns those relating to Green Belt.

5.2 Both parties had agreed that the proposal would represent inappropriate development within the Green Belt and would be, by definition, harmful to the Green Belt. The appellant has withdrawn from this in light of the publication of the revised Framework and now considers that the appeal site should be regarded as Grey Belt land and the proposal would not be inappropriate development.

5.3 Both parties agree that the proposal conflicts with two of the Green Belt purposes as set out in the Framework, namely purpose (a) which is to check the unrestricted sprawl of large built up areas and purpose (c) which is to assist the countryside from encroachment. Both parties agree that the proposal would harm the openness of the Green Belt. The degree of harm or significance in relation to the purposes of the Green Belt and the openness, differs.

[10] CD.D5
[11] CD.D14a
[12] CD.D14b
[13] ID.14

5.4 Both parties agree that the appeal site is primarily in flood zone 1 and that the drainage strategy is acceptable.

5.5 With regard to heritage matters the parties agree that less than substantial harm would be caused to the heritage significance of the Holyport Conservation Area although parties differ on the degree of harm caused. Similarly, the parties differ on the harm to the Grade II listed John Gay's house with the Council considering that there would be less than substantial harm and the appellant arguing no harm.

5.6 The Council and the appellant agree that subject to conditions, there would be no harm to the amenity of local residents with regard to noise, air quality, daylight, sunlight or overlooking.

5.7 The two parties agree that the site contains some land of Grade 3b agricultural value but disagree on the extent of it. The Council argues that there is some Grade 2 and 3a on the site which the appellant disputes.

5.8 It is agreed that biodiversity net gain can be achieved.

5.9 Both parties agree that the proposal will bring economic benefits in both the construction phase and operational phase.

6. The Case for the Appellant

6.1 This summary contains all of the material points in relation to the appellant's case and is substantially based upon the closing submissions of the appellant. It is also taken from the evidence given on behalf of the appellant, from other documents submitted to the Inquiry and the appellant's post Inquiry submission. The Secretary of State is also referred to the appellant's closing submissions[14] and the post inquiry submissions[15] on the 2024 Framework which together contain a full exposition of the appellant's case.

6.2 The United Kingdom is one of the world's major hubs for the production of high end film and TV and in the UK the West London Cluster (WLC) is the single major location for such productions and for investment from abroad. It is widely acknowledged that over 70% of all productions in the UK fall within the WLC and the majority of inward investment occurs as a result of it[16]

6.3 Holyport is located within that globally important centre and the proposal is designed to meet the expectations of those high-end companies generating that huge economic investment in the UK. There are no reasonably alternative sites for purpose-built studios such as these.

6.4 There will be some harm associated with the proposal but these harms have been overstated by the Council. The appeal site is grey belt and the proposal would not be inappropriate development in the Green Belt. There would be some harm to two of the purposes of the Green Belt and some harm to

[14] ID36
[15] PID.2 Post inquiry submissions of appellant on NPPF 2024
[16] CD H.5 (a) Proof of Stephen Nicol Fig 3.8

openness. Beyond the site there will be only localised and limited harm to landscape and some less than substantial harm to the setting of the Holyport Conservation Area but at the lower end of harm.

6.5 There is no dispute between the Council and the appellant in respect of highway matters and the proposal provides for safe and secure access for all modes of transport. The proposal is accompanied by a number of transport measures which will help to make the scheme sustainable. The scheme embodies other aspects of sustainability including a commitment to BREEAM excellence.

6.6 There would be no loss of the best and most versatile agricultural land and through condition the proposal would incorporate a flood risk and drainage strategy acceptable to the Council. The proposal would deliver significant economic benefits including 700 FTE construction jobs and between 3,100 and 3,800 direct, indirect and induced jobs at a UK level with a GVA of between £170 and £190 million. The scheme would also include employment education programmes. The proposal accords with the development plan. Even if some breaches did occur, the significant benefits of the proposal amount to material considerations which outweigh such breaches.

The site and scheme

6.7 Successive governments have been, and remain, committed to promoting further growth in the creative industries including film and media. As a result, creative industries including High End TV (HETV) enjoy tax credits which the current government is continuing. This is set out in the October 2024 budget statement and in the new Industrial Strategy. [17]. This strategy seeks to encourage the expansion of a highly skilled workforce for the creative arts. It is specifically referenced in the revised Framework. The new Industrial Strategy specifically highlights the world leading nature of the UK creative industries and that private investment will be needed to enable growth in the sector.

6.8 Whilst it is national policy to support the development of regional hubs, it is important to recognise that they are likely to, once established, address different sectors of the industry than the global hub of the WLC favoured by the majority of the major international productions. The WLC has taken a century to establish, as have the US hubs. The regional hubs, such as the proposals for Sunderland, are not likely to be attractive to the major international productions.

6.9 DCMS has confirmed the significance of the industry and the WLC and its contribution to the UK economy[18]. Regionally the Berkshire LEP has confirmed the importance of the creative sector to the Berkshire economy[19], acknowledging that the LEP area is a growing hub for film and TV production.

[17] CD F.32 Invest 2035: The UK's modern industrial strategy October 2024
[18] CD F.19 Creative Industries Sectors Vison DCMS 2023 , CD I.45 DCMS written evidence to Culture Media, and Sport Select Committee Inquiry into British Film and High End TV Oct 2023
[19] CD D.31

6.10 The Council's approach is wrong. This is not the need for an approach for need calculations as in housing and employment land assessments. The benefits of clustering, of access to skilled crew within the WLC operating across different productions with the WLC, of proximity to Heathrow and central London are critical factors which make Holyport a suitable location and give it a distinct advantage. Furthermore, the unique amenities of the area such as water elements, manor houses help to place the appeal site in a favourable position and base for filming.

6.11 The Council's approach to list studios without distinguishing between them and considering their characteristics fails to account for the key focus of the WLC, the requirements of purpose-built, high-quality accommodation and their location and scale. Ashford, Sunderland and Liverpool for example cannot be treated as equivalent to major studios such as Shepperton and Leavesden. Whilst it may be true that there may be some individual examples which do not follow the WLC (eg BBC in Manchester, Game of Thrones in Belfast), these are non-typical. Some locations may support smaller scale film or TV productions or small cluster, this is not the acknowledged source of major inward investment into the UK. Many of the sites on the non-active studio list (submitted to the Inquiry with comments from both Council and the appellant)[20] are not likely to come forward even within the WLC and many that are outside of the WLC have significant doubt over their delivery and certainty over a reasonable timescale.

6.12 There is considerable demand for film and HETV studio space as evidenced by the reports by Deloitte[21] and Knight Frank[22]. The industry is now bouncing back from the impacts of the Covid pandemic and the writers and actors strikes in the USA.

6.13 The BFI report of November 2024[23] shows increase in films starting principal photography in 2024 compared to 2023, and percentage increases in spending for both domestic and feature films in the rolling year October 2023 to September 2024 compared to the 2022/23 equivalent period. Spending on domestic UK films was £233 million which was more than double the figure for 2022/23. It is anticipated that the 2024 figures will be even higher.

6.14 Block booking means that there is no space in studios for production for non-occupying companies looking for space in the UK. It is difficult to translate space in studios to general capacity. Occupancy rates at studios such as Shepperton, Bray, Elstree, Leavesden and Pinewood may be lower than general as they wish to retain capacity for their productions. Yet, for example some 50% of Netflix content is commissioned from independent production companies and is not produced by them in their block booked sites.

6.15 Streaming services revenue growth is changing from subscriptions to advertising based driven by the growth of free streaming platforms. So whilst

[20] ID.28 Table of Stages withdrawn from inventory or planning process (with comments)
[21] CD.I28 (the 2021 report) and CD.F12 (the 2023 report)
[22] CD.I3
[23] ID.3 BFI Research and Statistical Unit Report 7 November 2024

streaming revenue may fall, this does not mean content creation will fall. Indeed, additional studio space for increased advertising content creation will be required.

6.16 If UK provision is at capacity, the UK will lose a number of footloose international productions whilst having more capacity in the UK will assist in maximising the capture of international business.

6.17 The proposals will meet the specific need of film studio floorspace within the recognised WLC and specifically the ideal location of Holyport. It is deliverable within a joint venture arrangement between Greystoke and a substantial US investment company Centrebridge.

6.18 It is misconceived of the Council to view the need for studio space on a national basis. This does not reflect industry requirements nor the obvious segmentation in the market place of types and users and their specific technical requirements. The Council has wrongly categorised the need case, failed to give it the significant weight it requires and as a result fails to approach consideration of very special circumstances and other issues correctly.

Economic Benefits

6.19 The development would have a construction and build cost of between £240M-£280M excluding fit out costs. This would provide around 700 FTE construction jobs over a three year period. Applying a cautious 70% usage rate, the development would support £165-£200M of annual production which in turn would support between 3,100 and 3,800 FTE jobs at UK level and between £170M to £210M GVA in multiplier effects. If the studio is not delivered in the UK then another global competitor could take these benefits.

6.20 Between 880 and 1,070 FTE jobs (depending on utilisation rates) could be based at the studios or within local suppliers longer term[24] which would represent around a 1% increase in local jobs contributing to meeting the Local Plan targets. There would be significant numbers of well-paid local job opportunities and new areas for training and career development. It would help diversify the local economy and contribute to the local wages paid by between £35M to £43M per annum. The Borough can expect a higher housing requirement in accordance with standard method as referenced in the new Framework and this will create pressure on further job creation in the Borough.

Green Belt issues

6.21 The revised Framework has introduced a new exception to inappropriate development in the Green Belt. This is where development would utilise grey belt land and other specified criteria are met. Once land is considered to be grey belt and falls within the terms of paragraph 155 of the Framework, footnote 55 makes it clear that it is no longer relevant to ‘ensure that substantial weight is given to any harm to the Green Belt, including harm to its

[24] CD G15a Proof of Evidence of Stephen Nichol paragraph 5.32

openness'. In these circumstances, as the Court of Appeal has held[25] the development is appropriate and does not give rise to Green Belt harm as a matter of policy.

6.22 Where development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there is a demonstrable unmet need for the type of development proposed; and the development would be in a sustainable location, then the development should not be regarded as inappropriate. The golden rules test does not apply to non-housing proposals.

6.23 The appeal site does not perform strongly in respect of purposes (a) (b) or (d) as set out in paragraphs 143 of the Framework. Purposes (c) and (e) are irrelevant in this context. It is already agreed that the site does not contribute to purposes (b) or (d) so the only purpose in dispute is purpose (a).

6.24 The appeal site does not adjoin the large built up area of Maidenhead. It adjoins a free standing village which is washed over by the Green Belt. The appeal site does not adjoin the modern part of Holyport. It does not therefore make a contribution to purpose (a). Even if the Inspector and the Secretary of State found that it did make a contribution to purpose (a), that contribution is limited. The Council's reliance on the assessment of parcel M36 is misplaced. In any event the appeal site cannot be considered as making a strong contribution to purpose (a) as required by the revised Framework.

6.25 The footnote 7 of the revised Framework policies would not provide a strong reason for refusing planning permission as the proposal would only cause less than substantial harm to the Conservation Area at the lower end of the spectrum. This is the only relevant footnote 7 policy.

6.26 The proposal would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan area since the developable area of the appeal site amounts to only 0.16% of the total area of the Green Belt in the Borough and leave 16,189 ha unaffected. The proposal would no longer be considered as inappropriate development for the purposes of national Green Belt policy such that there would no longer be any requirement for the appellant to demonstrate 'very special circumstances' in order to justify a grant of planning permission.

Heritage issues

6.27 There would be no harm caused to the setting of the listed John Gays House. The visibility of the house and its grounds, to the appeal site, is very limited. Furthermore, many changes which occurred in the 20th century including the expansion of the grounds including the addition of modern development such as a swimming pool, the loss of functionality with the wider agricultural land around, and changes which have taken place to the house all help lead to the case that there would be no harm caused by the proposal.

[25] Court of Appeal in R. (Lea Valley Regional Park Authority) v Epping Forest DC 2016 Env LR30 at 23-25.

6.28 The parties agree that there would be less than substantial harm to the setting of the Holyport Conservation Area. The appellant considers that this would be at the lowest end of the spectrum. The Conservation Area Appraisal26 does not reference the land to the south of the conservation area (in the vicinity of the appeal site), as being within the most important open spaces and landscape areas. It describes in some detail the importance of other areas in and outside of the conservation area but does not make reference to this southern area. There is no specific plan on the part of the Council to review the conservation area appraisal.

6.29 The public benefits of the proposal outweigh the low level of less than substantial harm identified.

Landscape Character

6.30 The appeal site is in agricultural use but is not of an unspoiled rural character due to the presence of many urbanising features in the landscape. It is not the subject or any special designation or protection.

6.31 The site is well bordered by trees, hedgerows and drainage ditches and these features help to create strong sense of containment. Rising land can be seen in the distance but locally views are well contained by mature hedgerows and trees.

6.32 The local landscape contains a number of large sheds of the site within and around the site, mainly used for agricultural, equestrian and commercial purposes.

6.33 The proposed development to the south/west of Gays Lane will have the greatest change on landscape character compared to the proposed backlot area and the nature park. There will be some harm to landscape from the proposed development but the impacts will be limited and be localised. The proposed tall buildings are also capable of a degree of mitigation and the softening of their effect through additional planting and strengthening of existing vegetation.

6.34 There is no conflict with the Framework or the development plan policies on landscape.

Transport

6.35 There are no highway safety issues between the appellant and the Council as the reason for refusal was withdrawn. Whilst the Rule 6 parties have raised issues relating to highway safety in relation to the access and traffic on the local network, the proposals have been subject to a safety audit and the highway authority does not oppose the proposal. Additional traffic on the network which would be a direct result of the proposal is only a very small increase to both general and HGV traffic.

6.36 The proposal would incorporate a number of measures to make the site sustainable. These include measures to promote and manage cycling, walking

[26] CD.D25 Holyport Conservation Appraisal adopted July 2016

and public transport. There will be a dedicated shuttle bus to link the site to Maidenhead station to link with the Elizabeth Line providing fast and direct access to central London.

Best and Most Versatile Agricultural Land

6.37 According to the appellant's surveys the land is grade 3b and the Council's survey results are disputed. However, even if the Council's survey was correct, only 12 ha of the best and most versatile land (BMV) would be lost, out of a total site area of 43 ha. Policy ED4 of the Local Plan does not in any case impose an unqualified restriction on the loss of BMV land but refers to 'must avoid where possible'.

Flood risk

6.38 There is no dispute between the Council and the appellant in relation to flood risk, since the Council has withdrawn the relevant reason for refusal. The Rule 6 party, HFGAG, argue that there is an unacceptable flood risk from the development and the sequential test has not been demonstrated.

6.39 The original sequential assessment was updated[27] in light of the Rule 6 party objections. It must be understood that the proposal cannot be disaggregated as this would destroy its essential character and attractiveness to the industry. In the alternative site assessment, the appellant took as reasonable a flexible approach as possible given the target market.

6.40 HFCAG position on the Bray culvert is technically wrong and our evidence[28] shows why it is so. The Local Lead Flood Authority does not raise any concerns and they would have raised an objection if they had.

Other issues

6.41 There are no noise or ecological concerns raised by the parties in response to the evidence. There is acknowledged biodiversity net gain and the proposal has a commitment to achieve BREEAM excellent rating.

Planning Balance

6.42 The proposal brings significant economic benefits both locally and nationally and meets the need for new purpose-built film and TV studio space. It accords with the development plan. Even if some breaches are found the benefits of the proposal amount to other material considerations that clearly outweigh such breaches.

[27] CD.G13c Flooding Sequential Assessment 2024
[28] CD.G18a-c Proof and Appendices of Joshua Rigby

7. The case for the Council

7.1 This summary contains all the material points in relation to the Council's case. It is taken substantially from the Council's closing submission but also from evidence given on behalf of the Council and from other documents submitted to the Inquiry. The Secretary of State is also referred to the Council's closing submissions at ID35 which sets out the Council's position.

7.2 The Government attaches great importance to Green Belts. This has not changed with the introduction of the new Framework.

7.3 The proposal is for the introduction of extremely large industrial boxes together with vast amounts of car (1000 cars) and lorry (84) parking. The proposal would cause harm to the Green Belt by reason of inappropriateness, spatial openness, visual openness and the purposes of the Green Belt. It would also cause harm to the rural character of the area; designated heritage assets; the attractiveness of the public rights of way network; and would result in the loss of the best and most versatile agricultural land. It would also be in a wholly unsustainable location and the scheme does not make it sustainable.

Green Belt

7.4 The proposal is inappropriate development in the Green Belt and this definitional harm in itself needs to be given substantial weight, as set out in the Framework.

7.5 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The parties agree[29] that there would be a substantial spatial impact on the openness of the Green Belt. This substantial spatial harm to openness cannot equate to just moderate visual harm. It is incredible for the appellant to consider that there would be a moderate loss of visual openness to the Green Belt. The appeal site is currently visually open and this is supported by the findings of an Inspector who determined an appeal30 (the shooting club appeal) on part of the site in 2020. The Inspector considered the site to be open and the appellant does not dispute that factors have changed this since the date of the decision.

7.6 The proposal would cause substantial harm to visual openness. This can clearly be seen by reference to the appellant's landscape strategy[31] and building heights plan[32]. The scheme includes 7 buildings of 21m in height.

7.7 Buildings within the proposed backlot area would be highly visible from Forest Green Road, Gays Lane, Green Lane and a number of public footpaths some of which are immediately adjacent to it. Whilst these structures may be temporary the appellant's evidence suggests that sometimes backlots are permanently built out as they may resemble street scenes.

[29] ID 14 Statement of Common Ground p14
[30] ID G20a Appendices of Ms Pugh's proof of evidence – Appeal APP/T0355/W/20/3251178
[31] ID B7
[32] ID B33

7.8 As can be seen from the photomontages submitted by the Council as part of Ms Pugh's evidence, many views of the proposal from public footpaths in the area would be of very substantial buildings. From the proposed newly created footpaths the impact on visual harm of having buildings of up to 21m in height so close would be significantly harmful to openness. In the Shooting Cub appeal, the Inspector found that the proposed three buildings and other structures over an extensive area would have a significant impact on openness of the area. These proposed buildings were less than a fifth of the height of the buildings proposed in this scheme. Existing buildings around the site and the edges of the site are equally as small when compared to the proposed buildings.

7.9 The proposal would also generate significant activity, and this activity should be taken into account when assessing impact on openness. Currently the majority of traffic movements on the site are related to agriculture. The proposal would introduce over 700 vehicle movements during a weekday.

7.10 The parties agree[33] that there would be harm to two of the purposes of the Green Belt, ie the purpose of checking unrestricted sprawl of large built up areas and the purpose of assisting the countryside from encroachment.

7.11 The 2016 Edge of Settlement Analysis[34] concludes that the parcel M36, in which the backlot area and the nature park are proposed, makes a very strong contribution to purposes (a) and (c) as set out in the Framework. The Council argues that the 2016 analysis is a more relevant assessment that the 2013 Green Belt Purpose Analysis because it is a more detailed assessment which focuses on certain parcels of land and involved site inspections, compared to the higher level analysis of the 2023 study. The area of the appeal site within which Site A and Site B of the proposal would be located lies outside of parcel M36 because the 2016 document was aiming to find reasonable sites for green belt release for the Local Plan. The Council argues that that part of the appeal site makes an even stronger contribution to the purposes of the Green Belt than parcel M36.

7.12 The proposal will severely damage the purpose of checking the unrestricted sprawl of large built up areas. The appeal scheme would read as part of the urban sprawl of Maidenhead. Urban sprawl is not defined in national or local policy but we know from the decision of the Supreme Court in Samuel Smith[35], that it is the counterpart to openness.

7.13 The only buildings on the site currently are related to agriculture. The proposed scheme would have a significant amount of buildings, around 23, and built structures would also be associated with the backlot area. There would be a significant conflict with the purpose of assisting in safeguarding from encroachment. The harms to both purposes must be given substantial weight.

[33] ID15 Statement of Common Ground page 14
[34] CD D14 b Edge of Settlement Analysis RBWM 2016
[35] CD.J3 Supreme Court judgement on Samuel Smith Old Brewery v North Yorkshire CC

Rural character

7.14 The area around the appeal site is of rural character. The Council's Landscape Character Assessment[36] states that it an essentially rural landscape. Views are open, views are mostly over pasture land, there is a presence of woodland and copses, agricultural buildings present appear as part of the countryside and there is a prevalence of public rights of way which are recreational in character.

7.15 Policy QP3 of the Local Plan makes provision for the character and design of new developments. It sets out principles to be met. The proposal with the introduction of extremely large industrial boxes, along with car parking, lighting, a large roundabout, and a backlot area, would have an urbanising effect and fail to respect the established character of the area. It would conflict with this policy. It is simply not credible to argue that there would be no conflict with this policy.

7.16 The proposal also conflicts with Policy QP3a of the Local Plan, which is a policy principally designed to target tall buildings in urban areas. Nonetheless the proposed appeal buildings at 12m, 18m and 21m in height must be considered as tall buildings for the purposes of the policy. These buildings are not of a scale or height proportionate to the role, function and importance of the location in the widder context. They would harm the character of the area and there would be conflict with this policy.

Public Rights of Way network

7.17 The proposal would result in the full or partial closure of three well used public rights way footpaths (FP 27, FP 26 and FP 28) which in total adds up to around 1km of existing PROW lost. It would also remove some circular routes. Around 650m of new consolatory routes are proposed but this is misleading as they would result in two footpaths becoming dead ends and having little recreational value. This would conflict with Policy IF5 of the Local Plan which seeks support development where the public rights of way network can be protected and safeguarded and the amenity and recreational value is not adversely affected.

Heritage assets

7.18 It is agreed between the appellant and the Council that there would be less than substantial harm to the Holyport Conservation Area, through harm to the setting of that asset. However, the degree of harm is disputed. The Council say that this harm would be moderate to high, whilst the appellant says that it at the lowest end of the spectrum.

7.19 Holyport is an historic settlement dating back to the 13th century. The Holyport Conservation Area Appraisal describes the character of the conservation area. It recognises that the conservation area is 'large and complex' and that different parts of it have distinct qualities and histories. The absence of specific references to the role of the appeal site in preserving the historic context of the

[36] CD G.20c within appendices to Ms Pugh's proof of evidence. P39.

conservation area does not detract from the generality of the reference to the surrounding open field in its summary of significance. The Council considers that the wider setting, of open undeveloped fields, is a crucial contributing factor to the significance of the Conservation Area. The appeal site forms part of that setting and contributes to its significance.

7.20 The proposal would be conspicuous and overbearing within the surrounding open agricultural landscape. The proposal would result in just a single field being left between the appeal site and the boundary of the conservation area and there would be a loss of open countryside views when walking out of the conservation area. The increased activity, noise and lighting would disrupt the rural ambience of the setting of the conservation area. There would be a moderate to high level of less than substantial harm.

7.21 The proposal would result in a moderate to high level of less than substantial harm through impact of the setting of John Gays House, a grade II listed building. The appeal buildings are likely to be visible from its grounds. The proposal would fail to preserve the setting of the listed building.

Unsustainable location

7.22 National and local policy is clear that significant development should be focussed on locations that are or can be made to be sustainable so that a genuine choice of transport modes is offered. Furthermore, transport issues should be identified at the earliest stages so that opportunities for walking, cycling and public transport can be identified and pursued.

7.23 There is no dispute that this is significant development. There is not a genuine choice for walking and cycling from this appeal site and the proposals don't change this. The surrounding routes are rural in nature with limited facilities for pedestrians. Lighting is poor and routes are not safe. The appellants own survey[37] highlights the poor lighting conditions which contribute a dangerous environment. No proper thought has gone into the pedestrian routes to bus stops.

7.24 Similarly, the appellant has failed to address the issue of cycling. There is no plan for improving roads around the appeal site for cyclists other than some thought late on in the process to contributions to schemes some distance from the site access. Cycling provision has not been integral to early planning of this scheme.

7.25 The appellant's plans on bus provision are unclear. The Council is not certain that a bus stop can be secured at Maidenhead railway station to enable a shuttle bus to operate. The arrangements are still unclear despite a proposed condition and yet national policy requires this to be considered at the earliest stages. The appellant has focussed on the provision of 1000 car parking spaces and it is impossible to say that there would be a genuine choice of transport modes as national policy seeks to achieve. There is also little thought been given to how practically car sharing would work on a site like this

[37] CD B.17 DTA Technical Note p28 (PDF)

where there would be only 500-700 employees working on site every day. Car sharing would be difficult to make work on this site and in any event doesn't comply with national or local policy of wanting a genuine choice of transport modes.

Loss of best and most versatile agricultural land

7.26 Policy QP5 of the Local Plan is concerned with general development in rural areas and the Green Belt and the policy includes a provision that there should be no irreversible loss of the best and most versatile agricultural land (grades 1, 2 and 3a). Paragraph 180b of the Framework refers to the need for planning decisions to recognise, amongst other things, the economic and other benefits of the best and most versatile agricultural land.

7.27 No agricultural land classification report (ALC) was submitted with the application and no explanation ever given. Council officers considered that the land could be at least Grade 3 with potential for Grade 1 and without any surveys from the applicant issued a reason for refusal. In July 2024 with the appeal in train, the Council commissioned its own survey and appointed an expert witness. The appellant appointed an expert witness around the same time and commissioned an ALC survey.

7.28 The two surveys findings conflict. The Council survey shows that there is 17ha of Grade 2 land, 10.4ha of Grade 3a land and 13 ha of Grade 3b land. The Council's survey complies with all the requisite guidance and requirements and has been undertaken by a fully qualified and experienced professional. We do not consider that the appellant's survey has been carried out as robustly as that of the Council. The detail and reasons why are set out in the Council's closing submissions.[38] Should the Secretary of State accept the Council's view that the proposal would result in the permanent loss of 27ha of BMV agricultural land, then Natural England should be consulted prior to a decision being made in accordance with regulations[39].

7.29 There would be harm caused by this loss and this should be attributed significant weight.

Very Special Circumstances (VSC) balance

7.30 The VSC test is a deliberately hard one to satisfy. The test has not been changed by the updated Framework. The Green Belt harm in this case is substantial and there is harm to rural character and designated heritage assets and there is harm by locating development in a wholly unsustainable location. There is also loss of the best and most versatile agricultural land.

Need and Demand

7.31 There is a lack of demand for new studio space as demonstrated by our evidence given by Mr Ireland which shows that the supply looked at on a

[38] ID35 Council closing submissions pages 50-55
[39] Town and Country Planning (Development Management Procedure)(England) Order 2015 Schedule 4 paragraph 1, Table para (y).

comparable basis to demand meets every projection of demand that the appellant relies on.

7.32 The Knight Frank report [40] , which assessed demand and supply of studio space in the UK, shows that there are enough studios. The pipeline of supply is strong enough. A number of large schemes, totally over 1.3 million sqft, such as Shepperton, Eastbrook/Dagenham, Shinfield and Elstree have been completed since the report was published. There is over 3 million sqft with planning permission and therefore easily enough supply to the meet the whole demand identified in the Knight Frank report.

7.33 The Deloitte report of 2023[41] shows that the capacity of studios in London will only be running at 50% by 2025 which is way below what is needed to be profitable. The numbers from the BFI, even as adjusted as by the appellant, showed that in 2023/24 the studios are half full or less. The BFI figures show that for the whole of the UK, of which the South East is a very large component, studios are operating at 50% of capacity or less.

7.34 The appellant's reliance on the issue of advertising is misleading. Advertising is only one component not the totality and the scale of the proposal here is not needed to make adverts, which can be produced at smaller stages. The Knight Frank report indicates that the major streaming platforms have for the most part at the time being satisfied their requirements in terms of studio space and that long leases have been taken by them on many of the studios. You Tube, now that the largest content provider in the world, is not produced at studios.

7.35 The Head of Commercial and Marketing at an alternative studio, the Garden Studios, is absolutely clear [42] that there is not demand and that their studio and others like Shinfield and Eastbrook are empty. She also indicates that the fact that Sunset Studios did not get built should be a case in point. This is firm evidence from those on the front line that there is not demand.

7.36 There is no planning policy or other economic document of the Government or the Local Economic Partnership (LEP) which suggests that there is a shortage of studio space or that there needs to be further Green Belt releases. In fact the very experts that the appellant relies upon describe the 'supportive stance from councils and the planning system', for studios.

7.37 The alternative site assessment carried out by the appellant is unconvincing and covered a too narrow area. It looked at East Berkshire but should have covered the WLC. The appellant's evidence on this was not clear and the alternative site assessment appears not to be supported by the appellant's own expert witnesses Ann Gray and Stephen Nichol.

[40] CD I.13 Knight Franks UK Film and Television Studios Market Report
[41] CD F.12 Have the Winds Changed? Deloitte 2023
[42] ID 23 Interview notes with Garden Studios 2024

Deliverability and economic benefits

7.38 The evidence on deliverability is unconvincing. The cost of building the studio is around £240m-£276m but there is no evidence that funding is available. The Knight Frank report indicates that most film studio development will not commence without a pre-let. There is no evidence that stage completions will begin within 5 years.

7.39 The economic benefits of the scheme should be afforded limited weight. The Royal Borough of Windsor and Maidenhead is not a deprived area, unlike the position in relation to the decision[43] in St Helens where the Secretary of State gave additional weight to the benefits of a scheme in a very deprived area. The Royal Borough of Windsor and Maidenhead is one of the least employment deprived boroughs in the country, ranked 304 out of 317 and 299 out of 317 for income deprivation.

7.40 The proposal would lead to substantial displacement. Moving work from one studio which is under capacity, to another studio will not do UK plc any good. In the Royal Borough of Windsor and Maidenhead employment is so high that people moving into the jobs created at the appeal site will lead to them leaving existing jobs and the appellant has exaggerated the benefits to the local economy.

Overall Balance

7.41 The central pillar of the appellant's case, the need and economic benefits case, does not exist. The appellant cannot demonstrate very special circumstances. Even if the need case was accepted this does not mean that very special circumstances exist. In the Maidenhead Office Park case[44] it was accepted that there was a need for the industrial and logistic development proposed but the Inspector attached substantial weight to Green Belt harms and found that the overall benefits in that case would not be sufficient to clearly outweigh the harm identified. She dismissed the appeal. The current appeal is very much more harmful to the Green Belt and has a plethora of other harms weighing against the grant of consent.

7.42 The appellant has not demonstrated very special circumstances to justify that planning consent should be granted for this inappropriate development in the Green Belt. The appeal should be dismissed.

8. The Case of for the Holyport and Fifield Community Action Group (HAFCAG) Rule 6 Party

8.1 The Holyport and Fifield Community Action Group (HAFCAG) is a residents group established to focus the concerns of local people about the proposal.

8.2 HAFCAG has key concerns relating to flooding and drainage; transport and highway safety; landscape; heritage; and economic need.

[43] CD G21j Appendix 8 of Mr Irelands Proof of Evidence – Omega Zone 8 SofS decision
[44] CD.G20c Appendix C of Ms Pugh's Proof of Evidence – Appeal Decision APP/T0355/W/24/3336224

Flooding and Drainage

8.3 The appellant's consideration of flood risk is inadequate. This is an area of obvious flooding and many residents can testify to this and indeed have provided photographs and descriptions to the inquiry. The appellant failed to carry out a proper sequential test exercise. The sequential test should be an assessment of reasonably available sites within a catchment area, analysing whether the development can be accommodated in other areas which do not have similarly high levels of flood risk as the proposed site. The catchment is for the local planning authority to determine as explained by the PPG. The search area should take account of the characteristics of the proposed development.

8.4 The appellant relied upon their alternative site assessment (ASA). However, this ASA was confined to East Berkshire and was primarily economic focussed. It has some reference to generalised flood risk but did not consider flood risk from surface water flooding which is the relevant flood risk issue for this site.

8.5 A new sequential assessment was provided in October 2024 shortly before the start of the inquiry. However, it is still problematical for many reasons. These include: no disaggregation of the site; the catchment area has not been set by the LPA and is too small; PPG guidance has not been adhered to and it was not submitted as a pre-application document.

8.6 The appellant's drainage model is wrong. Our expert witness considers that the additional water from the appeal site would cause flooding in the area of the culvert which runs under the A308 into Bray Lake if there was a significant storm which caused water from Bray Lake to run the other way up the pipe. The appellant has not taken account of this in its model. The appellant's rebuttal concedes that 'elevated water in Bray Lake may have the potential to impede flow', which is exactly our point.

Transport and highway safety

8.7 Winding country roads lead to and from the site and these are busy at peak times and unsuitable for HGVs and articulated lorries. This is evidenced by the numerous photographs submitted to the inquiry by local residents showing current problems in the local area. The scale of the proposal with parking for 84 HGVs is entirely at odds with the existing road infrastructure. It would add to the existing blockages on the network. It would change the nature of vehicles on these local roads and have a severe impact.

8.8 The appellant has underestimated the volume of journeys that would be made and the appellant's figures for origin data cannot be supported. The lack of scrutiny from National Highways is of concern.

8.9 The access roundabout is a compact roundabout in design but the appellant has pushed the sizes of the compact roundabout upwards and beyond the safe boundaries to accommodate HGV freight. As the swept path drawings[45]

[45] CD B.37 the top left drawing

show, this is incredibly tightly compressed into the space even with an enlarged compact roundabout. The circulatory width of the roundabout exceeds safe limits.

8.10 The design means that cars may attempt to overtake each other on the roundabout. There are also clear safety concerns about the exit widths and forward visibility splays as well as the exit kerb radius and exist visibility. These together raise concerns with potential for collisions between vehicles, pedestrians and cyclists.

8.11 The swept path analysis is of concern and the appellants witness admitted that they show HGVs touching and in fact a collision. The swept path drawings do not show wing mirrors so that this will increase the difficulties for HGVs to pass each other. Even the Council state[46] that 'the proposed swept path analysis drawings for 16.5m long HGV indicate the manoeuvres for east to west, south to west and east to north, would likely to result in overhanging or wheels mounting and damaging the kerbs.'

Landscape

8.12 The appellants conclusions on landscape character are very different from the lived experience of local residents. This is open countryside. The work on Zone of Theoretical Visibility analysis is flawed because the northern assessment point was not on the outermost building of 21m but from 220m away. Reliance on the wrong heights and the wrong place clearly affects the conclusions.

8.13 Similarly, the appellant's views differ from the lived experience of local people in respect of the local rights of way network. It is clearly untenable to suggest that visiting the new nature park, next to the busy backlot, would be an improvement on what is currently a quiet walk in the countryside.

Heritage

8.14 The proposal would lead to a change in the volume and nature of traffic impacting on the Holyport Conservation Area. The light pollution from the proposal, only a few hundred metres away, would also have a harmful effect on the conservation area.

Economic Need

8.15 The residents consider that the suggested benefits to the local area are highly questionable and there is concern that the appellant has not looked at a wider area for a proper siting of the proposal.

[46] CD B.64 Highway Comments 18 December 2023 page 3

9. The case for Bray Parish Council (Rule 6 Party)

9.1 Bray Parish Council did not make any closing submissions. Its case is drawn from its opening submissions[47] and from the proof of evidence of Mr Ryan Snow[48] which sets out its case in detail.

9.2 This proposal has attracted over 400 objections from local residents, from the local Member of Parliament and from many groups and organisations. The appeal must be considered in the context of this overwhelming local opposition.

9.3 It is agreed that the proposal would be inappropriate development in the Green Belt. It would result in a very significant loss of open countryside and would conflict with the fundamental purposes of Green Belt policy. As a result it would be contrary to Policy QP5 of the Local Plan.

9.4 The proposal would fundamentally and seriously adversely affect the landscape and visual character of the area, an area thoroughly enjoyed by users of the public rights of way network. It would not be mitigated adequately. The setting of the Holyport Conservation Area would be adversely impacted by the proposal.

9.5 The case for the development in this location is not compelling. There are several other schemes within close proximity to the appeal site which are either built, being built, extended or at application stage. The appellants assessment of alternative sites is narrow.

9.6 Even is some weight was applied to the case presented by the appellant, the economic benefits cannot be considered in isolation and would not outweigh the overwhelming harm in respect of the social and environmental objectives of sustainable development. As such it is clear that very special circumstances have not been demonstrated which would sufficiently outweigh the Green Belt and other harms identified as result of the proposed development. The appeal should be dismissed.

10. Other Oral Representations

10.1 A number of local residents made oral representations. They are listed in the appearances section of this report and where they submitted a written record of their representation they are set out as inquiry documents.

10.2 The representations mainly covered matters raised by the Rule 6 parties but also highlighted concerns relating to matters including: flood risk and the historical pattern of flooding on the site and local area; the level of congestion and issues of highway safety in the local area but particularly outside Braywood School and at Holyport Green; the value of the public rights of way network enjoyed by local residents; the open nature of the landscape; and the unjustified need for a development such as this.

[47] ID.8 Opening submissions of Bray Parish Council
[48] CD.G27a Proof of Evidence of Ryan Snow

11. Written Representations

11.1 There have been other written representations objecting to the proposal at both the planning application stage and at the appeal stage. The representations at planning application stage are summarised in the Royal Borough of Windsor and Maidenhead Development Control Panel report of 20 March 2024[49].

11.2 The grounds of objections at both stages include impact on the Green Belt; impact on the character and appearance of the area due to the scale and massing of the proposal; traffic congestion and negative impact on the local road network; road safety; drainage and flooding; amenity effects of the proposal; light and noise pollution; loss of public rights of way; conflict with local and national policy; harmful impact on heritage assets; and lack of need/justification for a film studio in this location.

11.3 Objections have also been made by Holyport Residents Association, CPRE (Berkshire branch), Oakley Green Fifield and District Community Association Limited, and by Joshua Reynolds MP.

12. Inspector's Conclusions

Main considerations

12.1 In light of the publication of the revised Framework, I consider that there is a slight adjustment to the wording of the main considerations compared to those I identified at the start of the Inquiry. This is because of the change to Green Belt policy which has resulted in there not being agreement between the parties on whether the proposal would be inappropriate development in the Green Belt. Taking into account those matters upon which the Secretary of State particularly wished to be informed and having regard to the evidence, the main considerations in this case are:

12.2 The effect of the proposal on: the landscape character of the area; the Holyport Conservation Area and the setting of John Gay's House; highway safety; the Public Rights of Way network; the best and most versatile agricultural land, and drainage/flood risk and whether the appeal site is in a sustainable location for the proposal or one that could be made sustainable.

12.3 The extent to which the proposal is consistent with Government Policies for the Green Belt (NPPF Chapter 13) including whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations including need and economic benefits, so as to amount to the very special circumstances required to justify the proposal.

12.4 My report will address each of these considerations in the context of local and national policies and come to an overall conclusion on the proposal's consistency with the development plan.

[49] CD C.2 RBWM Maidenhead Development Control Panel 20 March 2024 pages 8-19.

12.5 Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with the proposals for planning permission, regard must be had to the development plan so far as material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that 'If regard is had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the development plan unless material considerations dictate otherwise'.

Landscape Character

12.6 The appeal site is of rural character. It consists mainly of open irregular shaped fields bounded by hedgerows. The appeal site is crossed by a number of public rights of way which link to a wider network in the Holyport, Fifield and other areas. There are some small ponds on the site. The appeal site does not have any specific landscape designation.

12.7 The wider area is generally flat but from the appeal site, the higher area to the south such as around Foliejon Park can be seen. There is a general absence of urbanising development with most of the buildings which stand out in the wider landscape being agricultural or isolated residential buildings. There are limited glimpses of Holyport from some parts of the appeal site. These aspects and the traffic on the local road network do not make the site urban in nature. It is rural and the feel of a rural landscape. The track, Gays Lane, which splits the appeal site is a prominent feature and has the character of a tree lined country lane.

12.8 The proposal would introduce a number of new buildings of various sizes and heights into this landscape. Whilst the detail of these buildings including number, height, specific location, design, materials etc are all for subsequent approval, the building heights diagram of 2023[50] and the building distribution parameters plan[51] provide the best indication before me of the likely pattern, scale and distribution of buildings. The tallest of the proposed buildings would be 21m in height and most of the tallest buildings would be clustered in the north western part of the site. Six of the seven buildings which could be up to 21m would be located in that part of the site. These buildings would be most likely to be rectangular shaped, although it is accepted that the detail is not known at this stage.

12.9 Most of the permanent buildings would be located within two areas, site A and site B, both to the west of Gays Lane. There are potentially two buildings within the nature park, which would be associated with recreation, principally a cricket pavilion. In addition, structures would also be accommodated in the backlot area which would be located to the east of Gays Lane near to its junction with Green Lane towards the south of the appeal site. The extent of the backlot area is shown on the parameters plan.

[50] CD A.13 Maximum Building Heights
[51] CD A.11 Building Distribution Parameters Plan

12.10 The appellant produced a LVIA [52] which has incorporated a zone of theoretical visibility (ZTI). This ZTI was updated following the publication of the updated building heights plan in December 2023. The LVIA also incorporated photo montages prepared in May 2023. The Council also produced a series of photographs and photo montages which were submitted as appendices to the proof of evidence of Ms Pugh[53] and which were subject to considerable reference and discussion at the Inquiry. The Council's photo montages were created by Iceni in September 2024 and were not disputed by the appellant, although the Council did not call as a witness the person who produced them.

12.11 The proposed buildings would occupy a reasonably extensive area of the western part of the site. The buildings would essentially be large rectangular structures, many of which could stand up to 21m tall. They would resemble industrial type buildings notwithstanding the matters of design and materials which would be approved at a later stage. They would be significantly different in scale, character, height and extent, than any of the buildings on or around the edges of the site at present. They would dramatically alter the landscape including as it is seen and experienced from the public rights of way network and other locations around the edges of the site.

12.12 Although there would be a planting scheme in place that would aim to mitigate the impact of the proposed buildings, the effect would be limited and not offset the significant adverse change on the landscape resulting from the development. This can be seen by reference to the year 15 photomontages in the Council's evidence[54,] where whilst vegetation has grown up, the impact of the buildings is still very significant. From within the nature park, the views of the buildings will be heavily softened due to the planting that would take place there which would make it more of a woodland feel and views of the buildings could be of a glimpsed nature. However, this is only a limited part of the appeal site and the impact from the public rights of way on other parts of the site or around it, would be very significantly adverse on the character of the landscape.

12.13 In addition to the buildings there would be car parking, and access roads together with external lighting, all of which would add to the urbanising effect of the buildings on the landscape.

12.14 The details of the proposed backlot area are not known as they would be temporary and would vary over time depending on the nature and requirements of the film industry. The use of the backlot would be controlled by condition. Nevertheless, it is not unreasonable to have regard to the aerial images of both the Pinewood and Shepperton studios backlot areas submitted by Ms Pugh in her proof of evidence[55.] These images were not disputed. The backlot uses would be temporary but would be regular in that there could be a reasonably continual presence of structures in the backlot. These would be on the east side of Gays Lane and could be prominent in the landscape. I

[52] CD A.24 Appellant's LIVIA
[53] CD G.20c Appendices 3 and 4
[54] CD G.20c for example 19b, 16b,
[55] CD G.20a Proof of Evidence of Ms Pugh p17

consider that the backlot area would add to the adverse harm to the character of the landscape which I have identified with regard to the buildings and other developments.

12.15 Gays Lane is a key feature of the area around the appeal site. Although outside of the red line boundary of the site itself, it divides the east and west sides of the proposal. It is an attractive tree lined track with open views of the countryside on either side. On each of my three site visits Gays Lane was being used by walkers. The proposal would dramatically alter that character as experienced by the users of Gays Lane with buildings of significant scale and height being located on one side and towards its southern end, the backlot area with its various structures on its other side. I will come to the relationship of Gays Lane with the Holyport Conservation Area later, but it is clear that the harm to the character of Gays Lane that would result from the proposal is substantial.

12.16 The tallest buildings within the proposal would be 21m in height. Policy QP3a of the Local Plan sets out the general approach to building heights in the Borough and defines a tall building as being more than 1.5 times the context height of the surrounding area or a minimum of 4 storeys in a 2 storey area. At 21m these buildings would be more than 1.5 times higher than the context height of the mainly agricultural buildings in the local area. Whilst planting will help in mitigating some of the impact of these tall buildings they would nevertheless appear rather dominant and incongruous in the landscape.

12.17 In addition to the physical buildings, infrastructure and structures the proposal would introduce a significant amount of activity on to an area where there is currently a predominantly agricultural use. Noise, and activity generated by the large film studio complex with up to 800 vehicle movements per day and 800 people working on the site would dramatically alter the character of the area adding to the harm caused by the introduction of the physical development. Collectively the harm caused to the character of the area would be very substantial.

12.18 The proposal would therefore be contrary to Policy QP3 of the Local Plan which seeks to ensure sustainable high-quality design and sets out a number of design principles. In particular it would be contrary to criterion (b) which requires new development to respect and enhance local character and (e) which requires development to respect and retaining high quality landscapes and create attractive new townscapes and landscapes.

12.19 For the reasons set out above the proposal would also be contrary to Policy QP3 (a) and sections 5 and 9a in particular, of the Local Plan. There would also be conflict with the Council's adopted Supplementary Planning Document, Building Heights and Tall Buildings, which sets out detailed guidelines for the consideration of tall buildings in the Borough.

Heritage Assets - Holyport Conservation Area

12.20 The appeal site lies wholly outside of the Holyport Conservation Area (the Conservation Area). It is agreed between the appellant and the Council that

the proposal would nevertheless cause less than substantial harm to the Conservation Area though harm to the setting of that asset.

12.21 The Holyport Conservation Area Appraisal (HCAA)[56] was adopted in 2016 and provides a detailed description and assessment of the Conservation Area and its significance as a designated heritage asset.

12.22 In the summary of significance of the HCAA the wider rural setting of the Conservation Area is highlighted. The Conservation Area encloses the historic core of the village but also a number of historic farms and manors on its periphery. The boundary encloses more of the fields around the northern and north western side of the village than to the south, where the appeal site lies. It does not include the more modern part of the village to the east in the Bray direction. The core has key features including listed buildings and important non-listed buildings, important trees, boundary walls and railings and a number of important green spaces. One of the important green spaces is The Green, a former area of common land and now the heart of the village with a number of characterful buildings facing on to it.

12.23 The HCAA divides the Conservation Area into 4 areas and assesses them. CA3 is the area between the southern boundary and The Green and includes the village end of Gays Lane. Although the HCAA doesn't actually focus on the significance of Gays Lane to the Conservation Area, having walked it more than once, I consider the link between The Green, Langworthy Lane and Gays Lane to be of importance to the character of the Conservation Area. Langworthy Lane, as the HCAA acknowledges, is a quiet country lane with very little vehicular traffic. It is pleasant to walk along and it links to Gays Lane via a small triangular shaped greenspace with a large mature tree in it. The walk out of the Conservation Area along Gays Lane maintains the country lane feel. In that sense there are parallels with the views of an Inspector who determined an appeal[57] to the north of the village who considered that anyone travelling along the public footpath/bridleway out of the village would be able to appreciate the historic context of the Holyport Conservation Area and appreciate its wider setting surrounded by largely undeveloped fields. I consider that the appeal site makes a positive contribution to the significance of the Conservation Area.

12.24 Walking south from the village, Gays Lane soon opens out into the fields described earlier in my report. Between the boundary of the Conservation Area and the boundary of the appeal site where the cluster of large and tall buildings would be located, there is only a short section of woodland either side of the lane. The impact of walking out from the acknowledged country lane feel of area CA3 of the Conservation Area to the new development would be dramatic. Notwithstanding that these open fields were not specifically referred to in the HCAA, the impact of the proposed development, just outside the boundary of the Conservation Area would be harmful to the setting of the Conservation Area by a significant degree.

[56] CD.D9 Holyport Conservation Area Appraisal
[57] CD G22b Appendix 7 of Proof of Evidence or Alisha Lad – APP/T0355/W/19/3225689

Heritage Assets - John Gays House

12.25 The Planning (Listed Buildings and Conservation Areas) Act 1990 (section 66(1)) places a statutory obligation in respect of listed buildings to 'pay special regard to the desirability of preserving the building or its setting or any features of special or architectural or historic interest which it possesses'.

12.26 John Gays House is hard to see from any public vantagepoint and not only were the parties unable to secure access for me to visit the site, none of them nor their witnesses had actually ever visited it either. Sales details from 2016[58] were before the Inquiry which provide some indication of the exterior and interior character of the building. It is a Grade II listed building, and is an early 17th century large house which was altered and extended in subsequent centuries. It has lost any functional link with agriculture and additional land has been taken into its grounds for equestrian uses. Some more modern development such as a swimming pool has taken place in its grounds. From the appeal site, at ground level, it is possible to catch a glimpse of one the buildings on the site of John Gays House, but it was unclear which one it was. There would be a stronger visual connection with the development and in particular the 21m high film stage building which is indicatively proposed for the part of the appeal site, site B, closest to the listed building. The appellant's ZTV is based upon a 21m building on site B, but further away than shown in the building heights plan. As a result, and not helped by not being able to visit the site, it is unclear whether there would in reality be more of a stronger visual connection between the proposed buildings and John Gays House.

Heritage assets – overall conclusion

12.27 For the reasons set out above, I consider that the proposal would cause less than substantial harm to the significance of both the Holyport Conservation Area and John Gays House through impact on setting. I consider that the harm in the case of the Conservation Area would be high and in the case of John Gays House would be very low. Less than substantial harm does not mean less than substantial planning objection. The proposal would therefore be contrary to Policy HE1 of the Local Plan which seeks to conserve and enhance the historic environment.

12.28 I will consider the provisions of paragraph 215 of the Framework which relates to weighing the scale of less than substantial harm to a designated heritage asset, against public benefits, and the statutory duty[59], later in the report.

Highway Safety

12.29 From my observations and from the evidence submitted to the Inquiry by HFCAG and local residents, it is clear that the local road network in the vicinity of the site is well used. It is also clear that there are some points on the network where there could be argued to be higher levels of congestion or queuing than others at certain times of the day. The proposal would generate

[58] CD.G19a-c Proof and Appendices of Ms Gail Stoten p75 appendix 5.
[59] Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas Act 1990

additional traffic including heavy duty vehicles. However, I have no demonstrable evidence before me that there would be likely to be a highway safety issue on the local road network as a result of the proposal, nor that the residual impacts on the road network would be severe, taking into account all reasonable future scenarios.

12.30 The proposed development would be accessed via a new roundabout on Forest Green Road close to the existing junction with Green Lane. This is the only proposed vehicular access point for the development. The proposals for the roundabout have been through a safety audit and the detailed design has been worked up through an iterative process. Further refinement would be likely to take place at the section 278 stage. The Local Highway Authority does not object to the proposed access and the reason for refusal on highway safety has now been withdrawn as a result of the iterative process of amendment and the position of the Local Highway Authority not objecting to the proposal. HFCAG have expressed a number of detailed design concerns but I consider that these are matters eg HGV overrunning to kerbs, that could, with the agreement of the Local Highways Authority, and the appellant, be addressed at the section 278 stage. I consider that there is no demonstrable evidence before me that the design of the roundabout would be inherently unsafe such as it causes harm to highway safety.

12.31 For the reasons set out above I find no conflict with paragraph 116 of the Framework.

Public Rights of Way Network (PROW)

12.32 There is an extensive public rights of way network in the area between Holyport and Fifield and Moneyrow Green, and this network links to wider areas. From my observations and the evidence provided to the Inquiry, these PROW are well used for recreational activity and provide choices over how routes can be linked. Most of the network in the vicinity of the appeal site would still be able to be used as it is now, when the development has been completed. The enjoyment of using some of the PROW may alter as a result of the significant adverse impact to the character and appearance of the area as a result of the proposed development which I have found and already referred to. Some PROW in the immediate vicinity of the proposed buildings are intended to be altered eg route 26. I consider that the amenity value of the PROW network would be harmed by the proposal but given this would only be a very small part of the wider network which would be adversely affected, this would be to a very minor degree. I will address the benefits which the proposed nature park could bring elsewhere in my report.

Best and Most Versatile Agricultural Land

12.33 During both the application and appeal processes, there has been dispute between the appellant and the Council regarding the agricultural land value of the appeal site. Given the indications from the DEFRA predictive BMV land plan that the appeal site is in an area where it is moderately likely to find BMV

agricultural land[60] it would seem logical for an agricultural land classification report to have been submitted at a much earlier stage. The survey was however only carried out a few weeks before the start of the Inquiry. It wasn't clear to me why this wasn't done earlier and the appellant could not assist with me on this point at the Inquiry.

12.34 It seems quite surprising that two expert witnesses, following accepted methodologies, come up with different findings. I specifically asked both witnesses whether if they had had more time they could have reached agreement, and they both indicated that that they probably could. Indeed, they offered to go out to the site together, but at that stage there simply wasn't time to enable this to take place and the new evidence to form part of the Inquiry. If both parties had agreed this earlier in the process, Inquiry time would have been saved.

12.35 The dispute does not cover all of the appeal site. On the Council's analysis 12 hectares of BMV land would be lost out of a total area of 43 hectares if the nature park was excluded as being a soft use and being reversible. Including the nature park would result in around 27 hectares of BMV land being lost.

12.36 Policy ED4 of the Local Plan relates to farm diversification and so is not the appropriate policy to apply. This is not a proposal for farm diversification. The land will not form part of any farm holding once developed. Policy Q5 (2) concerns development in the rural areas and the Green Belt and criterion 2 states that development should not result in the irreversible loss of BMV agricultural land. If the nature park were to be classed as reversible then around 12 hectares out of 43 hectares would be lost on the Council's assessment, meaning that the proposal would partly conflict with that requirement of the policy. Paragraph 187 of the Framework refers to the need to recognise the economic and other benefits of BMV land, not an outright policy to safeguard all losses.

Flood risk

12.37 The appeal site is predominantly in Flood Zone 1, the lowest of the flood risk zone categories. It is partly in Flood Zone 3. The appellant identified low risk of flooding from fluvial sources, low to high risk of surface water flooding, low risk from groundwater flooding and low risk from sewer flooding. The analysis looked at how the development could be mitigated from surface water flood risks and a number of mitigation measures were assessed including land raising, new and widened ditches, earth bunds and culverts and two new flood storage ponds. These options are set out in the appendices to the Proof of Evidence of Joshua Rigby[61]. These measures would significantly improve surface water management across the site. The Environment Agency do not object to the proposed development and the Lead Local Flood Authority (LLFA) do not object as long as a detailed surface water drainage scheme is submitted at the reserved matters stage. The Council do not object either. I do not consider that Gays Lane is outside of the red line boundary or its

[60] CD G23 b p20 Figure 2
[61] CD G18 c Proof of Evidence and appendices of Joshua Rigby

ownership to be an impediment which could prevent a mitigation scheme being implemented.

12.38 On the issue of potential back up from Bray Lake, I consider that had it been an issue of concern to the LLFA it would have raised an objection. It hasn't and I give this considerable weight. It seems to me that on the evidence before the Inquiry, the prospect of flooding from the Thames and flooding from the appeal site combining which would then cause flooding in the vicinity of the culvert under the Windsor Road, would be remote and not one which could justify the refusal of planning permission for this outline proposal. I find the evidence of the appellant on this point to be more persuasive especially given the absence of concern from the LLFA. In any event, a detailed surface water management plan will need to be submitted and approved at the reserved matters stage and will be subject to consultation with the appropriate bodies.

12.39 Although the Council's report to Planning Committee stated that the site was wholly in Flood Zone 1 and a sequential test was not required, the appellant's assessment and the Environment Agency's online flood map indicates there is part of the site in Flood Zone 3, thereby triggering a requirement for a sequential test.

12.40 It is not mandatory for the local authority to set the boundaries for a sequential test and the PPG states that it will be defined by local circumstances. The Alternative Sites Assessment (ASA) provided by the appellant and was based on a wider geography than the local authority boundary, given the particular locational characteristics, the nature of the proposal and the need to consider reasonably available sites. The ASA was updated in October 2024. It is also not mandatory for the sequential test assessment to be provided at pre-application stage. I consider that the circumstances relating to this scheme are different to the Lancaster appeal case[62] brought to my attention during the Inquiry by HFCAG. In the current case there was a sequential test submitted, albeit as an ASA. In the Lancaster case there was no sequential test submitted and the Inspector considered that was an overriding consideration. In the case before me, I find no conflict with the Framework or the PPG in respect of the sequential test.

Sustainable location

12.41 The Framework (paragraph 110) states that significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of modes of transport. Given the scale of the facility and the expected level of activity, the proposal is significant development.

12.42 Policy IF2 of the Local Plan seeks development to be located such that it would minimise the distance people need to travel and the vehicular trips generated, and also to improve accessibility by public transport, cycling and walking. It accords with the Framework in this regard.

[62] APP/A2335/W/24/3345416 Land at Bailrigg Lane, Lancaster, Appeal decision 21 November 2024

12.43 The appeal site lies in a rural area. The roads around it are rural in nature and there are limited facilities for pedestrians and cyclists. There are no railway stations within walking distance, the current bus services are limited, and footpaths in the vicinity of the site are generally unlit. There is no footpath alongside Forest Green Road. Public rights of way are mainly unmade and unlit. The one path which currently directly links the appeal site to the nearest bus stop on Moneyrow Green is narrow, unmade and unlit. I consider that the appeal site is not in a sustainable location for the use proposed and there would be a general reliance on travel by car. The proposed 1000 parking spaces indicate that a high level of travel by car would be expected.

12.44 The appellant argues that the appeal site has benefits in terms of accessibility, and that the site is well located with respect to access by staff, visitors and contractors. Whilst this is a unique proposal with specific locational requirements, paragraph 110 of the Framework is attempting limit the need to travel and providing a genuine choice of transport modes. This use is not excluded from these provisions of the Framework.

12.45 The appellant argues that the site can be made sustainable, as is specifically referred to in paragraph 110 of the Framework. It states[63] that this has been the objective of the proposal from the outset. It proposes a number of measures including the provision of a shuttle bus service and car sharing. The shuttle bus service would potentially include a link to Maidenhead Station which could be linked to the Elizabeth Line providing fast transport links to central London. Shuttle bus connections could also be made to Windsor and Slough stations but there is little detail submitted as to how the shuttle bus services would operate. The details of bus provision would be submitted for approval through a Sustainable Access and Travel Strategy, as part of the discharge of conditions once shift patterns are known.

12.46 Whilst a car share scheme could help contribute towards reducing car usage there is no evidence or detail before me at this stage to consider whether this would genuinely help to make the site sustainable. I accept that this is an outline application and details can only be worked up and finalised once more detail of the overall development and operators are known. A travel plan, building on the submitted framework travel plan, would also be produced once more details of the operation are known.

12.47 However, a number of the transport solutions to make the site sustainable appeared to me to be vaguer than I might have expected at this stage, particularly since the Framework (paragraph 109) seeks early consideration of transport issues in working up development proposals and because the appellant states that making the site sustainable has been the objective of the proposal from the outset.

12.48 For the reasons set out above I consider that the site is not in a sustainable location, and from the evidence before me I am not satisfied that the proposals set out to date would make it, or be likely to make it, sustainable in

[63] ID 36 Closing statement of appellant paragraph 87

accordance with the Framework's expectations to promote sustainable transport. The proposal would conflict with Policy IF2 of the Local Plan.

Need

12.49 The parties disagree fundamentally on the need for the film studio, the need to be in this location, and the value of the economic benefits that it could bring.

12.50 It is clear that there is government support for the growth of the creative industries in the UK and that the creative industries, of which film and TV production is part, contributes well to the UK economy and amongst exports. Paragraph 87 of the Framework refers to planning policies and decisions should be recognising and addressing the specific locational requirements of different sectors, including the creative industries amongst others. The national Industrial Strategy is specifically referenced in the Framework. The Framework at paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity, taking account both local business needs and wider opportunities.

12.51 Establishing need for new film studios is not akin to undertaking a statistical exercise as with housing, or even employment land. This is also the case with assessing demand. It is less formulaic. The parties both refer to the demand figures set out in the Knight Frank report[64]. That report indicates that based upon its assessment of spending in a mid growth scenario an extra 2.6 million sq ft of studio space would be required in the UK by 2028 over current stock. Assessments of demand have been affected by the effects of the covid pandemic and the writers and actors strikes of 2023 in the USA. Both have been factors which have made assessments of demand difficult and the appellant highlights that both the Deloitte and Knight Frank reports of 2023 pre-date the end of the strikes and do not consider the post strikes position. Hence the appellant's position that Knight Frank is of assistance but out of date due to the strikes.

12.52 There is some evidence of recovery and for example the BFI report[65] of November 2024 indicates a small increase in the number of films starting principal photography (131 films in Q1-Q3 2024 compared to 129 films in Q1-Q3 2023) and increased spend compared to 2023. Other statistics in the BFI report point to the difficulty in making judgements. For example, page 2 of the report states that the number of films which started production between October 2023 and September 2024 is the lowest of the rolling 12 month periods shown in the tables, but that this figure is likely to be revised upwards in future because of lags in obtaining complete data across all types of productions especially for domestic UK features with budgets of less than £500,000. This is explained in more detail in Appendix A of the report.

12.53 Streaming services are, and may be in the future, increasingly more reliant on advertising revenue rather than subscriptions from users. More advertisers will mean more demand for studio space. However, from the evidence before the

[64] CD I.3 Knight Frank UK Film and Television Studios Market Report 2023.
[65] ID 3 BFI Research and Statistics Unit Report 7 November 2024.

Inquiry there is little tangible data on how this would impact on demand for studios such as Holyport.

12.54 The appeal site is in an area where there would be benefits from clustering given the relative proximity of long-established studios such as Pinewood and Shepperton. Within the cluster there would be access to a pool of skilled and experienced labour. A number of key production staff would be likely to move around the cluster locations depending on the particular requirements at the time, whether that would be for set designers, costume designers, film production staff etc. Similarly, equipment could be shared between studios within a cluster.

12.55 The appeal site is close enough to London to benefit from the clustering advantages of the West London Cluster (WLC). The M4, the train connections into London from Maidenhead, Slough and Windsor, and a 20 minute drive time to Heathrow give the site benefits associated with the WLC, although the boundaries of the WLC cluster were not clearly defined. The Lambert Smith Hampton report[66] for the Marlow Film Studios proposal, provides a heat map showing this appeal site just on its periphery in a weaker area and Shinfield just outside of the WLC. However, it states in conclusion that the WLC boundaries are subjective and not static over time. It also rejects the notion that the WLC is the only place in the UK that can attract major HETV as demonstrably untrue as evidenced by Berkshire, Hertfordshire and Enfield directly proving concept.

12.56 At the Inquiry there was considerable testing of evidence relating to supply. The Knight Frank report states that there is around 3.8 million sq ft of planned stages across the top 11 developments although just 852,000 sq ft was under construction. Holyport is one of the 11 it lists as is Marlow which is at appeal. If they are both taken out the figure is around 3 million sq ft. The Knight Frank states that much depends on whether the planned space will meet operators' requirements and whether funding can be secured, but this figure still relates to their 2.6 million sq ft mid growth estimate of demand.

12.57 The Deloitte report[67] of 2023 was prepared by consultants whose research on this topic is respected by the appellant's expert witness[68.] The report predicted that soundstage and studio space in London would grow substantially in 2025 primarily driven by net new builds of purpose-built facilities. It predicted capacity utilisation to average around 50% in 2025. Again, I recognise that the effect of the writers' strike needs to be factored in to its findings. It is also important to recognise that some of the block booked studios will not necessarily be running at full capacity as they may wish to retain space for their productions.

12.58 The parties disagree on the status and suitability of a number of studio sites. The Garden studios site is an example where the parties take diametrically

[66] CD.G21 Proof of Evidence of Nick Ireland. Appendix 15, Marlow Film Studios Consultancy Report December 2022 LSH p13.
[67] CD F.12 Have the winds changed Deloitte 2023
[68] Ann Gray's answer to the Inspector's question relating to reliance on the document

opposed positions based partly on a telephone interview[69] conducted between the expert witness for the Council and the head of commercial development at the studios. One view is that the demand is not there and that is the reason why is it running at 30% occupancy and another view is that the studios are below the minimum size to be expected for major productions and that is contributing to their lack of attractiveness to the market.

12.59 According to Ann Gray, a producer requiring the Holyport model of a purpose built, independent, fully equipped, staffed, multistage property only has four real alternatives. One of these is Garden Studios, another is Shinfield. Yet both of these operators' report, or are reported to have, low occupancy rates and these occupancy rate figures have not been disputed. Holyport is not a major film production company or streamer backed project. The parties produced a table of current non-active studio sites in the UK with capacity or in the pipeline. The majority are outside of the WLC on the appellants definition. Two of the largest, Home of Production in Bedfordshire, and Sunset Studios at Waltham Cross total close to 1 million sq ft across 32 stages. These have not been taken up but both have lack of certainty around developer status and future prospects.

12.60 I agree with the appellant that it is not appropriate to take a balance sheet approach to looking at sites. I recognise that some locations outside of the WLC and the south east of the UK may not realistically be alternatives for the kind of film and HETV production studios for which the Holyport site is attempting to attract. Some of those sites would be part of regeneration led schemes and initiatives which may have subsidy and secure wider objectives. Some may be specific user focussed such as the BBC at Media City. However, some film and HETV production may be attracted to regional sites such as was Game of Thrones to Belfast which may assist with residual capacity at sites in the south east. The Knight Frank report gives examples of many projects outside of the WLC where production space has recently or is currently being created.

12.61 The Alternative Site Assessment (ASA) was originally undertaken in 2022 and updated in October 2024 after the preparation of proofs of evidence. The ASA confined itself to looking at alternative sites in Berkshire or the LEP area which seems somewhat at odds with the argument that this is a site within the WLC and would benefit from clustering of other studios within it. Ann Gray references a much wider geography in her proof of evidence with a whole section (section 7) and map looking at the existing studio landscape in southern England. Stephen Nichol states that film and HETV will remain focussed in London and the South East which he says would for this sector include parts of Hertfordshire close to London. The ASA therefore seems to have been a far too narrow area for a robust search of reasonably alternative sites. As I result, I cannot be certain that had an assessment of alternative sites been applied to the area to which the appellant's expert witnesses on need state is where the film and HETV wants to be, it would not have come up

[69] ID 23 Iceni note on Garden Studios 6 November 2024

with viable alternative sites to Holyport and ones which may not have been in the Green Belt. As a result, I place very little weight on either of the ASAs.

12.62 The evidence on need, demand and supply is quite a confusing pattern. It is clear that the covid pandemic and then the 2023 writers' strikes have had an impact such that caution needs to be applied when relying on some of the data including that within the industry respected Deloitte, Knight Frank and BFI work. Nevertheless, the evidence indicates to me that there is likely to be sufficient capacity within existing studio space and commitments for the immediate future, even focussed within the WLC and a widened geography around London. Garden Studios and Shinfield are the Holyport type of independent models and are within, or on the edge of the WLC yet are running at low occupancy levels. Holyport would be due to come online in 2027/28.[70.] It appears to me that the absence of Holyport would not restrict the ability to make film and HETV in the UK or necessarily restrict the number of productions made. I am not therefore persuaded that a clear and convincing need case has been demonstrated.

Economic Benefits

12.63 The number of direct and indirect jobs that the proposal could be likely to generate is not generally disputed although the issue of displacement and the benefits that would accrue is. Around 700 construction jobs over a three year period would provide a short term boost to the local economy. There could be a total investment of around £230M. There would be around 500 to 730 FTE direct and indirect jobs based at the studios. This could increase in the longer term. [71] This could contribute to meeting the jobs target for the Borough set out in the Local Plan to 2033.

12.64 The Borough is not one which suffers from high deprivation scores, indeed quite the reverse. It is quite different to circumstances in the St Helens case referred to me where the Secretary of State gave the economic benefits very significant weight. Nevertheless, I consider that the economic benefits should be afforded more than the limited weight advanced by the Council.

12.65 There could be some displacement in the local economy given the quite healthy employment position in the Borough, but I am not convinced, on the evidence before me, that this should be a significant concern. There is likely to be some industry displacement if the evidence around spare capacity in the WLC and London area is correct which I believe it to be for the reasons I have set out. This could mean that the net economic benefits might not occur if the appeal scheme is not delivered or might not occur to the degree claimed by the appellant if the scheme is not fully taken up by the market or does not lead to a significant increase in net film and HETV production activity in the UK.

Green Belt

12.66 The appeal site lies in the Green Belt. It was originally agreed by the parties that the proposal (except the nature park element) would be inappropriate

[70] CD G.16a Proof of Evidence of Ann Gray para 6.4.
[71] CD.G15b Stephen Nichol Summary Proof of Evidence page 4

development in the Green Belt, as defined by the NPPF. However, the publication of the December 2024 Framework has changed that agreement. The appellant's position is now that the proposal is not inappropriate development in the Green Belt and therefore very special circumstances do not need to exist.

12.67 Paragraph 155 of the Framework states that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where a number of criteria exist. These area a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the areas of the plan; b) there is a demonstrable unmet need for the type of development proposed; c) the development would be in a sustainable location with particular reference to paragraphs 110 and 115 of the Framework and d) where the Golden Rules requirements apply and are met. Criterion d) is not relevant in this case as they do not relate to this type of use.

12.68 The Framework, in its glossary, defines grey belt, both for the purposes of plan-making and decision-making as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143. It also states that grey belt excludes land where the application of policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. The Footnote 7 list includes designated heritage assets. I have found that there would be less than substantial harm to the character of the Conservation Area and John Gays House, but whilst these would add to the harms of the proposal to varying degrees, I do not consider that the harm to those two assets would provide, on their own, a strong reason for refusing or restricting the development.

12.69 The appeal site is not previously developed land. The test in this case is therefore whether the land does not strongly contribute to any of the purposes (a), (b) or (d).

12.70 Criterion (b), preventing neighbouring towns from merging, and (d) preserving the setting and special character of historic towns, are not relevant to this appeal. It is no part of any party's case that the proposal would conflict with these purposes.

12.71 In this case therefore, the test of whether the appeal site is grey belt land relies upon criterion (a), whether or not the appeal site strongly contributes to the purpose of checking the unrestricted sprawl of large built-up areas.

12.72 The Council has prepared two Green Belt assessments. These are a Green Belt Purpose Analysis in 2013 (the GBPA)[72] and the Edge of Settlement Analysis (ESA) in 2016. The more recent document is a more detailed analysis which identifies a number of parcels across the Borough and provides

[72] CD.d.14a Green Belt Purpose Analysis 2013 RBWM

far more in-depth assessments that the GBPA. For these reasons, it is preferred in my considerations.

12.73 Part of the appeal site, that part to the east of Gays Lane, lies within parcel M36 of the ESA. This is the area where the proposed nature park and backlot area would be located. The ESA 2016 assesses M36 as making a very strong contribution to purpose (a). It states that the parcel contributes to the separation of the built-up area of Maidenhead and the Green Belt settlement of Fifield and that development would act to reduce the separation increasing the impression of sprawl and would reinforce the existing projection from the built-up area of Maidenhead. I concur with this assessment as there is a continual band of built-up development out of Maidenhead town centre along Braywick Road (A308) to Bray and the more modern part of Holyport focussed around the Springfield Park area. Directly beyond this is parcel M36. Whilst ribbon development continues south east along Windsor Road, it mainly comprises a narrow band of houses. M36 acts a block to sprawl between Bray and Fifield.

12.74 Gays Lane forms the western edge of M36. The ESA 2016 was prepared to inform the Local Plan and so it would be logical for it not to consider the area to the east of Gays Lane which has more of a rural character than the Windsor Road area of M36. Gays Lane does not prevent open connections between M36 and the area to the west. There is clear intervisibility either side of Gays Lane. I consider that this area, which would include Site A and Site B of the proposal, also makes a very strong contribution to the purpose of preventing urban sprawl. To be otherwise would be illogical in my view given that development there would fill in a significant gap between Holyport and Fifield. I therefore consider that the appeal site contributes very strongly to the purpose of checking the urban sprawl of large built-up areas.

12.75 Based on my conclusion above this means that the appeal site cannot be classed as grey belt land within the definition set out in the Framework. On this basis the appeal proposal would be inappropriate development and could only be approved in very special circumstances. However, should the Secretary of State disagree, and conclude that the appeal site is grey belt then she will need to consider whether the proposal constitutes not inappropriate development having regard to Paragraph 155 of the Framework.

12.76 On the basis however of a conclusion by the Secretary of State that the appeal site is grey belt, the second part of criterion (a) of para 155 would require the development to not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. As set out above I have found parcel M36 to contribute very strongly to the purpose of checking urban sprawl of large built-up areas. If the development occurred it would fundamentally undermine this purpose, not only taking some of the M36 land but also severely closing off its western edge. It would also undermine the purpose (c) of the remaining Green Belt land in this area in safeguarding the countryside from encroachment because it would be a significant and extensive form of development which could weaken this purpose in relation to Green Belt land in the remaining part of M36 and in the area between it and

Moneyrow Green and Forest Green. However, that is not to say that this would fundamentally undermine the purposes (when taken together) of the remaining Green Belt across the whole of the Local Plan area since it would leave the overwhelming part of the Green Belt remaining in the Local Plan area. The Secretary of State would need to make a judgement in this regard.

12.77 I have already found that the appeal site is not in a sustainable location, nor that the evidence before me would indicate that it could be made sustainable. Criterion (c) of paragraph 155 is therefore not met. For the reasons set out in my report, I am also not convinced, on the evidence before me, that there is a demonstrable unmet need for the type of development proposed. Therefore, even if the land was to be considered grey belt, I consider that the proposal would still not meet the relevant tests in paragraph 155. I therefore consider that the proposal should be regarded as inappropriate development in the Green Belt

12.78 According to the Framework, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal is clearly outweighed by other considerations.

12.79 Planning Practice Guidance on Green Belt (PPG Green Belt) states that openness is capable of having both spatial and visual aspects. It is common ground between the parties that there would be substantial harm to spatial openness. The proposed development would introduce a significant, extensive and high volume form of permanent built development into an area where is little current development other than that which is agriculture related. Whilst the backlot area would change sets over time, it would still be permanent loss of openness.

12.80 I have already set out in this report the impact that this scheme would have on the character and appearance of the area. The proposal by introducing large and tall buildings and other aspects of the scheme including car parking and a backlot area would dramatically adversely impact the open rural character of the area. This is particularly acute given the extensive and well used PROW network around the site and local area. Furthermore, the activity generated would also have an adverse impact on openness. The PPG Green Belt recognises that the degree of activity generated, such as traffic generation, may be relevant to a consideration of openness. There would be significant traffic movements associated with the proposal, a proposal with 1000 car parking spaces and around 700 employees working on site. The landscaping scheme and the nature park would provide some mitigation to the impact of the buildings. However, I consider that for the reasons that I have set out, the proposal would have a significantly harmful impact on the visual openness of the Green Belt in this location.

12.81 The Inspector who determined the shooting club appeal[73] on the site concluded that the proposal would have a demonstrable impact on openness. That scheme was for a significantly smaller development on a significantly smaller site, but was on a part of the current appeal site which would accommodate large buildings of up to 21m in height. Taken together I consider that the proposal would result in substantial harm to openness.

Other considerations

12.82 The proposed development will provide biodiversity net gain for which I attach moderate weight. Achieving BREEAM excellence rating would attract moderate weight. A proposed new cricket facility for the community would attract moderate weight. The proposed nature park would bring some benefits in terms of public access and recreation but I balance that off because it is primarily intended for use by local residents, as evidenced by the lack of a car park in the scheme, and because the evidence given to this Inquiry from the local residents overwhelming refers to the high value they place on the existing PROW network and the open views from them rather than from a nature park. I therefore attach limited weight to the benefit from the proposed nature park.

Other matters

12.83 There is no demonstrable evidence that undue harm would be caused to the living conditions of local residents by reason of noise, air quality or lighting during either construction or operational phases, providing that conditions which would include mitigation measures, are imposed and adhered to.

12.84 There is no demonstrable evidence of other material harm which would be caused by the proposal.

Planning Obligations

12.85 The appellant and the Council have submitted an executed Section 106 agreement. This was submitted on 20 December 2024 following the close of the Inquiry and reflects the discussion at the planning obligation session. The Section 106 is set out on the Inquiry Library as ID37.

12.86 The Carbon Offset provisions include the submission of an Energy Statement and the making of a Building Emissions Contribution. It is required to meet Policies SP2 and EP1 of the Local Plan and payments are calculated in line with the adopted Sustainability SPD

12.87 The S106 includes details of the Nature Park Scheme including how public access will be delivered and how the park will maintained and managed. The nature park is an integral element of the proposal and is classed as a benefit of the proposal. The provisions secure its implementation and ongoing management and ensure its objectives can be met.

12.88 The Travel Plan obligations set out how the interim and final travel plans will be assessed including a fee to the Council for doing so, and how a travel plan

[73] CD. G.10 APP/T0355/W/20/3251178 Appeal decision at Oak Tree Farm

co-ordinator will be approved. These provisions are necessary to meet the requirements of Policy IF2 of the Local Plan.

12.89 There are provisions relating to Community Education and Employment Programme, Local Training and Local Procurement Schemes and the Visit Windsor Partnership. These are economic and education related initiatives which would be expected to be entered into by any large employer in the Borough, and which are a benefit of the scheme in terms of supporting the local economy and community in accordance with the general objectives of the Local Plan.

12.90 The Biodiversity Net Gain provisions relate to the submission of a mitigation and enhancement plan and a monitoring contribution. The provisions are necessary to accord with Policy NR2 of the Local Plan and biodiversity is a benefit of the scheme to which weight can be attached.

12.91 The Highways Works provision is required to ensure that the developer provides the new roundabout access through entering into a Section 278/Section 38 agreement. This is necessary to ensure the scheme has suitable access and accords with Policy IF2 of the Local Plan.

12.92 The Pedestrian and Cycle Path Improvements Contribution will be used to secure improvements to pedestrian rights of way and cycleways in the immediate vicinity of the in order to assist with connectivity and sustainable transport opportunities. Such a contribution accords with Policy IF2 of the Local Plan and with the Framework but there is no detail at this stage on how the works will be secured and the benefits achieved.

12.93 If the Secretary of State is minded to allow the appeal and grant planning permission for the development, I am satisfied that the financial contributions requested are necessary to render the development acceptable in planning terms and that they are directly related to the development. Having regard to the costings set out in evidence I am also satisfied that they are fairly and reasonably related in scale and kind to the development proposed. I am also satisfied that the other provisions meet the same tests in CIL regulations and the Framework.

Planning Conditions

12.94 If the Secretary of State wishes to allow the appeal and grant planning permission, conditions would need to be imposed in order to make the scheme acceptable in planning terms.

12.95 The Council and the appellant have jointly agreed a list of suggested planning conditions, with one exception, which I explain below. The suggested conditions were amended jointly by the two main parties following my instructions at the Inquiry, having regard to the necessary tests set out in the Framework and PPG. The final list is set out on the Inquiry Library as ID 33 and is appended to my report I consider that this list meets the necessary tests. In my view, these conditions should be imposed if planning permission were to be granted.

12.96 Conditions are recommended setting out time limits for the submission of the reserved matters applications and for the commencement of development, both to accord with statutory requirements. There are also conditions which set out the plans to which the permission relates and to which the reserved matters applications must accord with, in the interests of certainty and clarity, and to specify that the development must accord with the description of development and for no other use.

12.97 A condition should be imposed requiring a phasing plan in order to ensure effective control of the development.

12.98 A construction management plan is required to be submitted and approved in the interests of residential amenity. Restrictions are also placed on piling operations, hours of working, and for the control of air quality and dust during construction for the same reason. Conditions are required, also for residential amenity, relating to noise control in the operational phase. Separate conditions should be imposed to require the submission of an external lighting strategies to protect residential amenity and harm to wildlife.

12.99 A condition should be imposed to deal with contamination which may be found during construction, but I consider that the 10 day time limit suggested by the appellant for the Council to respond is too short given the possible need to consult external bodies. I have therefore recommended 28 days.

12.100 Given that the site lies in an area of potential archaeological interest, a condition should be imposed to require a written scheme of investigation to be carried out and submitted. In the interests of biodiversity. A condition should be imposed to require the submission and approval of a construction environmental management plan. Conditions should also be imposed to require the obtaining of a licence to carry out works affecting Great Crested Newt habitats.

12.101 Schemes for surface water and foul water drainage would be required to be submitted prior to commencement and conditions should be imposed to secure these. Details of existing and proposed ground levels would also be required to be submitted.

12.102 A condition should be imposed to require the submission and approval of an arboriculture impact assessment/tree and hedgerow management plan in the interests of visual amenity. Conditions should be imposed to cover tree replacement arrangements and a landscaping scheme, for the same reason.

12.103 Conditions should be imposed relating to securing BREEAM excellent rating and to secure appropriate waste and recycling measures, in the interests of helping to address climate change and protecting the environment.

12.104 A number of transport related conditions would be required in the interests of sustainable transport or highway safety, and these cover cycle parking; provision of electric charging points; details of visibility splays; and the submission of a Sustainable Access Strategy which would include detail of dedicated bus services. Two separate conditions are required to secure

details of the proposed backlot area and to control height of structures within it, in the interests of visual amenity.

Planning Balance and Overall Conclusions

12.105 I conclude that the proposal is not on grey belt land. On this basis it is inappropriate development in the Green Belt and there would be harm by reason of inappropriateness, to openness and to some of the purposes of including land in the Green Belt. The harm to openness is substantial. The harm to Green Belt attracts substantial weight. There would be less than substantial harm to heritage assets, high on the scale in terms of the Conservation Area, and low on the scale, in respect of the listed building. These need to be weighed against the public benefits of the proposal.

12.106 I have concluded that, subject to conditions, there would no material harm to flood risk or to highway safety.

12.107 There would be very substantial harm to landscape character to which I give substantial weight. I have concluded that the proposal would not promote sustainable transport and would conflict with the Framework's objectives in this regard. I attach significant weight to the harm resulting from this.

12.108 If the Councils ALC assessment was correct, there would be harm as a result of permanent loss of BMV agricultural land. However, since this would be only 12 ha out of the 43 ha site even on the Council's assessment, I consider that this harm would not be determinative, a point to which the Council agreed at the Inquiry. It would add to the other harms which I find. There would be some harm to the PROW network but this is mainly through harm to character which would reduce the amenity of the network and the enjoyment of the users. This adds to the harm and supports the substantial weight I have already found in respect of harm to landscape character.

12.109 Against the above harms I must weigh the benefits of the proposal. It has been argued that the proposal would be a significant investment in the local area, would create a large number of jobs, boost the local and wider economy and provide local training opportunities. It could help to boost the UK film and HETV industry and help it recover from the effects of the pandemic and the USA writers' strike. It could bolster the reputation of the UK film industry on the international stage and capture productions that might otherwise bypass the UK. However, I have found that the evidence on studio floorspace need, having regard to capacity in the WLC and south east in particular is not convincing enough for me to be satisfied that there is a demonstrable need for the proposal at this location and the proposal would be likely to either not materialise or would simply displace film making and the associated economic benefits from other studios. This reduces the weight I give to the economic benefits.

12.110 There would be benefits to recreation for local residents in respect of the nature park and the cricket facility but the informal recreational value would be reduced due to the harm caused to amenity value of the existing PROW network as a result of harm to landscape character

12.111 Green Belt attracts substantial weight to which I add the other harms I have identified. For the reasons set out I consider that the benefits of the proposal would not be sufficient to clearly outweigh the harms I have found when taken together. Consequently, I conclude that the very special circumstances necessary to approve inappropriate development in the Green Belt do not exist. The proposal would be contrary to policies QP3, QP3a, IF2 and HE1 of the Local Plan. I consider that having regard to the Framework, the public benefits of the scheme would also not outweigh the harms I have found. I have also had regard to the statutory duty.

12.112 However, this is a planning judgement on which the Secretary of State may reach a different conclusion even if she agrees with me that the proposal is inappropriate development in the Green Belt.

12.113 Should the Secretary of State conclude that the appeal site is grey belt and that the tests of NPPF para 155 are met such that the proposal would not be inappropriate development in the Green Belt, she will need to determine whether the non-Green Belt harms I have identified that would be caused by the proposal would be outweighed by the benefits likely to accrue from the scheme.

13. Recommendation

I therefore recommend that the appeal should be dismissed.

If the Secretary of State is minded to disagree with my recommendation, Annex C lists the conditions that I consider should be attached to any permission granted.

Mike Worden

Mike Worden

INSPECTOR

14. ANNEX A

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:	
Richard Ground KC	Cornerstone Barristers instructed by RBWM
Assisted by Jack Barber	Counsel, Cornerstone Barristers
They called:	
Claire Pugh BSc MSc RTPI	Principal Planner, RBWM
Nick Ireland BA (Hons) MRTPI	Director, Planning, Iceni
Alisha Lad BA (Hons) MRes MSc	Principal Conservation Officer, RBWM
Sam Franklin BSc (Hons) MSC MRICS FAAV FBAIC MISoilSci	Director, Landscope Land and Property Ltd
Chris Joyce MEng (Hons)	Assistant Director, RBWM
Helena Stevenson	Head of Legal Services, RBWM
FOR THE APPELLANT:	
David Elvin KC	No 5 Chambers, instructed by the applicants
He called:	
Ashley Collins MTCP MRTPI	Partner, Montagu Evans
Paul Harris BA Dip LA CMLI	Director, MHP Design
Gail Stoten BA (Hons) PGcert Res MCifa FSA	Heritage Executive Director, Pegasus Planning
Stephen Nichol BA (Hons) MA	Managing Director, Nichol Economics
Ann E. Gray BA, MArch FRICS	Gray Real Estate Advisors
Simon Tucker BSc (Hons) MCIHT	Director, DTA Transportation
Josh Rigby BSc (Hons) MCIWEM	Associate Consultant, Mabbett
James Fulton BSc (Hons) MRICS FAAV	Amet Property
FOR HOLYPORT AND FIFIELD COMMUNITY ACTION GROUP (RULE 6)	
Peter Cruickshank	5 Pump Court Chambers
He called:	
Dimitris Linardatos BEng MSc CEng MICHE FIHE	Partner, Price and Myers LLP
Mike England	Director of Transportation, Iceni Projects
James Camplin	Chairman, H&FCAG
FOR BRAY PARISH COUNCIL (RULE 6)	
Ryan Snow BSc (hons) MSc, MRTPI	Associate, Bell Cornwell LLP
INTERESTED PERSONS:	
Angie Battista	Local resident
Joanna Filipczak-Korczack	Local resident
Penny Murray	Local resident
Holly Cook	Local resident
Alison Brayshaw	Local resident

Richard Pryer	Local resident
Leo Walters	Local resident
Marcus Grad	Local resident
Andrew Cormie	Local resident
Annabel Virtue	Local resident
David Coppinger	Local resident

15. ANNEX B

Documents submitted during the Inquiry

These and all documents in the Inquiry Library can be found online at Land North And South Gays Lane, Maidenhead - Public Inquiry | Royal Borough of Windsor and Maidenhead

Ref	Name
ID1	Response by Appellant to HAFCAG Rebuttal on drainage
ID 2	Opening Statement on behalf of Appellant
ID 3	BFI Report 2023
ID 4	Business Register and Employment Survey data for 2019-2021
ID 5	Opening Statement on behalf of Royal Borough of Windsor and Maidenhead
ID 6	Opening Statement on behalf of HAFCAG
ID 7	High Court Judgement in Mead Realisation Ltd
ID 8	Opening Statement by Bray Parish Council
ID 9	Statement by Angie Battista
ID 10	Statement by Penny Murray
ID 11	Statement by Holly Cook
ID 12	Photographs submitted by Mr Grad
ID 13	Statement by Andrew Cormie
ID 14	Statement of Common Ground (Appellant/Council)
ID 15	List of suggested planning conditions V1 (Appellant/Council)
ID 16	Proposed Block Plan drawing
ID 17	Statement by Leo Walters
ID 18	Public Rights of Way Context Plan
ID 19	Zone of Theoretical Visibility plan
ID 20	Travelling Draft Section 106 (13 November 2024 version)
ID 21	Planning Conditions suggested by HAFCAG
ID 22	BFI Statistical Report 2024
ID 23	Note provided by the Council regarding Garden Studios
ID 24	Newspaper article on Sunderland Film Studios submitted by HAFCAG
ID 25	Extract from Sunset Studios (Waltham Cross) website
ID 26	Photographs taken outside Braywood School 21/11/2024 submitted by HAFCAG
ID 27	Suggested Site Visit route submitted by Appellant/Council/HAFCAG
ID 28	Non Active Studios Table submitted by Appellant/Council
ID 29	List of suggested planning conditions V2 (Appellant/Council)
ID 30	Photographs submitted by Alison Brayshaw
ID 31	Statement and photographs submitted by Gurdish Dephu (local resident)
ID 32	Closing submissions by HAFCAG
ID 33	List of suggested planning conditions (Final) (Appellant/Council)
ID 34	Engrossed S106 agreement
ID 35	Closing submissions on behalf of Royal Borough of Windsor and Maidenhead
ID 36	Closing submissions on behalf of the Appellant.
	Post Inquiry submissions relating to the publication of the 2024 Framework
PD 1	Royal Borough of Windsor and Maidenhead
PD 2	Appellant
PD 3	Bray Parish Council
PD 4	HAFCAG
	Post Inquiry submission with agreement of Inspector
PD 5	Final corrected and executed version of S106 agreement 20 December 2024

List of Core Documents

CD.A – Planning Application Documents and Plans		
CD.A1		Planning Application Form
CD.A2		CIL Form
CD.A3		Covering Letter
CD.A4		Planning Statement (Including appendices)
CD.A5		Drawing Schedule
CD.A6		Design and Access Statement
CD.A7		Design Specification
CD.A8		Location Plan @ A3
CD.A9		Block Plan @ A4
CD.A10		Building Zones Parameter Plan @ A3
CD.A11		Building Distribution Parameter Plan @ A3
CD.A12		Proposed Demolition Plan @A3
CD.A13		Maximum Building Heights @ A3
CD.A14		Access and Circulation Plan @ A3
CD.A15	a	Alternative Site Assessment
	b	Alternative Site Assessment Appendices
CD.A16		Arboricultural Impact Assessment (Outline)
CD.A17	a	Ecological Survey and Report Ecological Impact Assessment (EcIA) Part 1
	b	Ecological Survey and Report Ecological Impact Assessment (EcIA) Part 2
	c	Ecological Survey and Report Ecological Impact Assessment (EcIA) Part 3
	d	Ecological Survey and Report Ecological Impact Assessment (EcIA) Part 4
CD.A18		Acoustic Assessment (Noise Impact Assessment)
CD.A19		Air Quality Assessment
CD.A20		Economic Benefits & Needs Report
CD.A21		Energy & Sustainability Report
CD.A22		Flooding Risk Assessment and Drainage Strategy
CD.A23		Heritage Appraisal
CD.A24		Landscape Visual Impact Assessment
CD.A25		Statement of Community Involvement
CD.A26		Preliminary Geo-Environmental Risk Assessment
CD.A27		EIA Screening Request Letter 14.10.2022
CD.B – Additional/Amended Reports and/or Plans submitted after validation		
CD.B1		Email Correspondence 16.01.2023
CD.B2		Email Correspondence 23.03.2023
CD.B3		Email Correspondence 11.07.2023
CD.B4	a	Email Correspondence 08.11.2023 Part 1
	b	Email Correspondence 08.11.2023 Part 2
CD.B5		Flood Modelling Technical Note 13.12.2022
CD.B6		Landscape Strategy Rev B 21.11.2022

CD.B7	Landscape Strategy Rev I 05.07.2022
CD.B8	Transport Assessment 13.12.2022
CD.B9	Framework Travel Plan Rev B 13.12.2022

CD.B10	Framework Travel Plan Rev C 04.03.2024
CD.B11	Draft Construction Management Plan 22.11.2022
CD.B12	Delta Simons formal response to LLFA 27.04.2022
CD.B13	Bioscan formal response to ecology matters 10.03.2023
CD.B14	MHP Design Ltd formal response - addendum to LVIA 05.2022
CD.B15	Pegasus formal response to heritage matters 05.2023
CD.B16	Applicants' response to all consultee comments 18.05.2023
CD.B17	DTA Technical Note 01 Response to Highways Comments 09.06.2023
CD.B18	DTA Technical Note 02 Response to Highways Comments 01.12.2023
CD.B19	SuDS Drainage and Surcharge Areas 20.06.2023
CD.B20	Drainage Statement 06.09.2023
CD.B21	Certificates Updated 06.12.2023
CD.B22	Response to RBWM highways travel plan comments 01.12.2023
CD.B23	Landscape Note 28.09.2023
CD.B24	Heritage Note 28.09.2023
CD.B25	Email response to Economic Growth comments 08.01.2024
CD.B26	Response to RBWM on Site Access 13.03.2024
CD.B27	Amended Plans - Block Plan @ A4
CD.B28	Amended Plans - Building Zones @ A3
CD.B29	Amended Plans - Proposed Demolition Plan @A3
CD.B30	Amended Plans – Building Distribution @A3
CD.B31	Amended Plans – Building Distribution Rev A @A3
CD.B32	Amended Plans - Location Plan @ A3
CD.B33	Amended Plans – Maximum building heights @ A3
CD.B34	Amended Plans – Site Access and Circulation Parameter Plan @A3
CD.B35	Amended Plans – Site Access and Roundabout Geometry and Dimensions
CD.B36	Amended Plans - Site access Roundabout- General Arrangements and Long sections @A1
CD.B37	Amended Plans - Site access Roundabout- vehicle tracking
CD.B38	Amended Plans -Site Access and Circulation Parameter Plan @ A3
CD.B39	Plans - Drawing Extract - Break Out area @ A3
CD.B40	Plans - Drawing Extract - Site Entrance @ A3
CD.B41	Plans - Illustrative Section A-A @ A3
CD.B42	Newspaper Notification
CD.B43	Neighbour Notification List
CD.B44	Planning History Log
Consultee Responses	
CD.B45	East Berkshire Ramblers Comments dated 09.01.2023
CD.B46	East Berkshire Ramblers Comments dated 12.12.2023
CD.B47	Public Rights of Way Comments dated 17.01.2022
CD.B48	Public Rights of Way Comments dated 07.06.2023

CD.B49		Berkshire Archaeology Comments dated 17.01.2023
CD.B50		Berkshire Archaeology Comments dated 26.05.2023
CD.B51		RBWM Ecology Memorandum Comments dated 09.03.2023
CD.B52		RBWM Ecology Memorandum Comments dated 12.12.2023
CD.B53		Conservation Consultation Response dated 15.03.2023
CD.B54		Conservation Consultation Response dated 16.08.2023
CD.B55	a	Natural England Response dated 04.04.2023
	b	Natural England Response dated 04.04.2023 Annex A
CD.B56		Lead Local Flood Authority Comments dated 19.01.2023
CD.B57		Lead Local Flood Authority Comments dated 18.05.2023
CD.B58		Lead Local Flood Authority Comments dated 11.07.2023
CD.B59		Lead Local Flood Authority Comments dated 18.12.2023
CD.B60		NatureSpace Partnership Ltd Comments dated 17.04.2023

CD.B61		NatureSpace Partnership Ltd Comments dated 14.06.2023
CD.B62		Highways Comments dated 19.04.2023
CD.B63		Highways Comments dated 31.08.2023
CD.B64		Highways Comments dated 18.12.2023
CD.B65		Environmental Protection Memorandum dated 21.04.2023
CD.B66		Environment Agency Comments dated 07.06.2023
CD.B67		Environment Agency Comments dated 11.01.2024
CD.B68		Environment Agency Comments dated 15.02.2024
CD.B69		Economic Growth Comments undated
CD.B70		DTA Report Response to Highways Comments (18/12/23) dated 13.03.2024
CD.B71		Highways Response dated 12.09.2024
CD.C – Committee Report and Decision Notice		
CD.C1		22_03374_OUT-REFUSAL_OUTLINE-2888960
CD.C2		22_03374_OUT-PLANNING_OFFICERS_REPORT-2889210
CD.D – Adopted Local Planning Policy and Guidance		
CD.D1		Royal Borough of Windsor and Maidenhead Local Plan 2013-2033 (adopted February 2022)
CD.D2		Adopted Borough Local Plan Policies Map - Map 2 - Holyport and the Walthams
CD.D3		Joint Central and Eastern Berkshire Minerals & Waste Plan (adopted November 2022)
CD.D4		Royal Borough of Windsor and Maidenhead Borough Wide Design Guide (June 2020)
CD.D5		Royal Borough of Windsor and Maidenhead Building Height and Tall Buildings SPD (November 2023)
CD.D6	a	Royal Borough of Windsor and Maidenhead Planning Obligation and Developer Contributions SPD (March 2014, with effect from April 2014)
	b	Royal Borough of Windsor and Maidenhead Planning Obligation and Developer Contributions SPD Part 1 A Developers Guide (December 2005)
CD.D7		Royal Borough of Windsor Sustainability SPD (July 2024)
CD.D8	a	Royal Borough of Windsor and Maidenhead Landscape Assessment (September 2004) Part 1

	b	Landscape character Assessment Part 1 - Appendices
	c	Landscape character Assessment Part 2 – Landscape Strategy and Guidelines (September 2004)
CD.D9		Holyport Conservation Area Appraisal (Adopted July 2016)
CD.D10		Council plan 2024-2028
CD.D11		Royal Borough of Windsor and Maidenhead Parking Strategy (May 2004)
Local Studies and Evidence Based Reports		
CD.D12		Royal Borough of Windsor and Maidenhead Corporate Strategy 2021-26
CD.D13		Royal Borough of Windsor and Maidenhead Environment and Climate Strategy 2020-2025 (December 2020)
CD.D14	a	Edge of Settlement Analysis – Green Belt purpose analysis (November 2013)
	b	Edge of Settlement Analysis – Part 1 (The Royal Borough of Windsor and Maidenhead, July 2016)
	c.	Edge of Settlement Part 2 Constraints, Opportunities and Delivery Assessment (July 2016)

	d.	Green Belt Boundary Study (December 2013)
CD.D15		Local Sensitivity Test of Employment Land Needs in RBWM submitted as part of the evidence with the Plan in January 2018
CD.D16		Supplementary Market Analysis Employment Land Review (January 2018)
CD.D17		Berkshire Functional Economic Market Area Study (February 2016)
CD.D18		Central Berkshire FEMA Economic Development Needs Assessment (October 2016)
CD.D19		RBWM's Local Cycling and Walking Infrastructure Plan
CD.D20		RBWM's Bus Service Improvement Strategy
CD.D21		Definitive rights of way map – number 10
CD.D22		Berkshire LEP Creative report 2023.
CD.D23		RBWM Milestones Statement and Public Rights of Way Management and Improvement Plan review 2024-25
CD.D24		RBWM, Authority Monitoring Report, 1 April 2022 - 31 March 2023, May 2024
CD.D25		RBWM, Conservation Area Appraisal, Adopted July 2016
CD.D26		Royal Borough of Windsor and Maidenhead Council Preliminary Flood Risk Assessment (PFRA) (2011)
CD.D27		Addendum to Royal Borough of Windsor and Maidenhead Council Preliminary Flood Risk Assessment (PFRA) (2017)
CD.D28		Royal Borough of Windsor and Maidenhead Council Local Flood Risk Management Strategy (LFRMS) (2014)
CD.D29		Royal Borough of Windsor and Maidenhead Level 1 Strategic Flood Risk Assessment (SFRA) (2017)

CD.D30	Royal Borough of Windsor and Maidenhead Level 2 Strategic Flood Risk Assessment (SFRA) (2018)
CD.D31	Revisiting the Berkshire Recovery and Renewal Plan (November 2023)
CD.D32	Berkshire Local Enterprise Partnership Delivery Plan for 2022/2023
CD.D33	Borough Local Plan Regulation 18 – December 2016
CD.D34	Report on the Examination of the Royal Borough of Windsor & Maidenhead Borough Local Plan, 2013-33 (26TH January 2022)
CD.D35	RBWM/002 Council's Response to ID/02 (May 2018)
CD.E – Emerging National, Local Planning Policy and Guidance	
CD.E1	Building the Homes We Need - Hansard - UK Parliament (30 July 2024)
CD.E2	National Planning Policy Framework - Draft Text for Consultation (July 2024)
CD.E3	Labour Government Manifesto (13 June 2024)
CD.E4	Deputy Prime Minister on changes to national planning policy (30th July 2024)
CD.F – National Planning Policy, Guidance and Strategies	
CD.F1	National Planning Policy Framework (July 2023)
CD.F2	National Planning Practice Guide *(Document not provided. Electronic Version only due to document size)* https://www.gov.uk/government/collections/planning-practice-guidance
CD.F3	Community Infrastructure Regulations 2010 *(Document not provided. Electronic Version only)*
	https://www.legislation.gov.uk/uksi/2010/948/contents
CD.F4	National Design Guide
CD.F5	Procedural Guide Planning Appeals
CD.F6	Planning (Listed Buildings and Conservation Areas) Act 1990 *(Document not provided. Electronic Version only)* https://www.legislation.gov.uk/ukpga/1990/9/contents
CD.F7	Historic Environment Good Practice Advice in Planning:2, Historic England 2015- Managing Significance in decision taking in the Historic Environment
CD.F8	The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3 (2nd Edition), Historic England, 22 December 2017
CD.F9	Cycle Infrastructure design Local Transport Note 1/20
CD.F10	Manual for streets
National and Regional studies and evidence-based reports	
CD.F11	BFI Film and High-End TV Production Statistics, June 2024
CD.F12	Deloitte Have the Winds Changed Report
CD.F13	Creative South-east Report
Further Documents Added	
CD.F14	Geometric design of roundabouts – May 2023 – DMRB (Design Manual for Roads and Bridges)
CD.F15	National Character Area 115 Thames Valley
CD.F16	Guidelines for Landscape and Visual Impact Assessment – Landscape Institute/IEMA
CD.F17	Landscape Institute Technical Guidance Note TGN 02/21 Assessing landscape value outside of national designations

CD.F18	TVBLEP “A new start for Berkshire, Revisiting the Berkshire Recovery and Renewal Plan”, November 2023
CD.F19	DCMS, Creative industries sector vision, 2023
CD.F20	Labour Party, "Prosperity through Partnership: LABOUR’S INDUSTRIAL STRATEGY",2023
CD.F21	Turley "The Case for Space: Shepperton Studios’ Contribution To The Growth Of The Creative Industries In The UK”, behalf of Shepperton Studios Ltd, August 2018
CD.F22	Bray Studios Economic Impact Analysis", Saffery Champness LLP, June 2021
CD.F23	Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2 (July 2015)
CD.F24	The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (December 2017)
CD.F25	Conservation Principles, Policies and Guidance: For The Sustainable Management Of The Historic Environment
CD.F26	Statements of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12 (October 2019).
CD.F27	CIRIA Guidance: The SuDS Manual (C753) (2017)
CD.F28	National Planning Practice Guidance (NPPG) - Flood risk and coastal change
CD.F29	EA Online Flood Maps *(Document not provided. Electronic Version only)*
CD.F30	British Geological Society (BGS) Interactive Map *(Document not provided. Electronic Version Only)*
CD.F31	MAGIC Interactive Map *(Document not provided. Electronic Version Only)*
CD.F32	Invest 2035: The UK’s Modern Industrial Strategy, October 2024
CD.F33	Surrey Heath Employment Land Technical Paper (December 2023)

CD.G – Planning Appeal Documents

CD.G1		Planning Appeal Application Form – Appellant
CD.G2		Councils Questionnaire
CD.G3		Pre-notification of Appeal
CD.G4		Choice of Procedure
Statements of Case		
CD.G5		Statement of Case – Appellant (June 2024)
CD.G6		Statement of Case – Council
CD.G7		Request for R6P Holyport and Fifield Community Action Group
CD.G8		Statement of Case – R6P Holyport and Fifield Community Action Group
CD.G9		Request for R6P Bray Parish Council
CD.G10	a	Statement of Case – R6P Bray Parish Council
	b	Appendix 1 - Statement of Case - R6P Bray Parish Council
	c	Appendix 2- Statement of Case - R6P Bray Parish Council
	d	Appendix 3 - Statement of Case - R6P Bray Parish Council
	e	Appendix 4 - Appeal Decision ref. 3251178 - Statement of Case - R6P Bray Parish Council

	f	Appendix 5 - Location Plan (Appeal ref. 3231492) - Statement of Case - R6P Bray Parish Council
	g	Appendix 6 - Appeal Decision ref. 3231492) - Statement of Case - R6P Bray Parish Council
Statements of Common Ground		
CD.G11		Draft Statement of Common Ground (June 2024)
CD.G12		Draft Landscape Statement of Common Ground (June 2024)
Proofs of Evidence		
Appellants Proof of Evidence		
CD.G13	a	Mr Collins Proof of Evidence
	b	Appendix 1 – Alternative Site Assessment (October 2024)
	c	Appendix 2 – Flood Risk Sequential Assessment
	d	Appendix 3 – Acoustics Technical Note (15 October 2024)
	e	Appendix 4 – Ecological Summary Note
	f	Appendix 5 – Agricultural Land Classification Report (10 October 2024)
	g	Appendix 6 – Appraisal of Landscope Report (14 October 2024)
	h	Appendix 7 – Mabbett Letter (21 August 2024)
	i	Appendix 8 – Pre-application Meeting Minutes (13 September 2023)
	j	Mr Collins Summary Proof of Evidence
CD.G14	a	Mr Harris Proof of Evidence - Landscape and Visual Matters
	b	Appendix A: Zone of Theoretical Visibility (ZTV) 21 metre building height
	c	Mr Harris Summary Proof of Evidence
CD.G15	a	Mr Nicol Proof of Evidence – Economic Impact and Benefits
	b	Mr Nicol Summary Proof of Evidence – Economic Benefits
CD.G16	a	Ms Gray Proof of Evidence – Film Studio Need
	b	Ms Gray Summary Proof of Evidence - Film Studio Need
CD.G17	a	Mr Tucker Proof of Evidence – Transport and Accessibility
	b	Appendix ST1: Chronology of Discussions with LHA
	c	Appendix ST2: Bus services
	d	Appendix ST3: Site specific bus service at Shepperton Studios
	e	Appendix ST4: September 2024 PROW Surveys
	f	Mr Tucker Summary Proof of Evidence
CD.G18	a	Mr Rigby Proof of Evidence – Flood Risk and Drainage
	b	Appendix A – Proposed Mitigation Options
	c	Appendix B – Hydraulic Modelling Outputs
CD.G19	a	Ms Stoten Proof of Evidence – Heritage
	b	Appendix 1: Legislation and Planning Policy

	c	Appendix 2: Methodology
	d	Ms Stoten Summary Proof of Evidence
Councils Proof of Evidence		
CD.G20	a	Miss Pugh Proof of Evidence
	b	Miss Pugh Summary Proof of Evidence
	c	Appendix A-E

CD.G21	a	Mr Ireland Proof of Evidence – Need and Economic Impact
	b	Appendix 1 – Bewley Homes v SSLUHC
	c	Appendix 2 – RBWM Inspectors Report
	d	Appendix 3 – RBWM Local Plan Employment Topic Paper
	e	Appendix 4 – Plan for Growth
	f	Appendix 5 – Creative Industries Sector Vision
	g	Appendix 6 – TVB Recovery and Renewal Plan
	h	Appendix 7 – A New Start for Berkshire
	i	Appendix 8 – Labour Market Profile
	j	Appendix 9 – Omega Zone 8 Appeal Decision
	k	Appendix 10 – Royal Television Society – Where next for TV ad revenue
	l	Appendix 11 – The Guardian – BBC boss hits out at 'shortsighted' Tory budget cuts
	m	Appendix 12 – Nordicity Leavesden Report
	n	Appendix 13 – LSH Film Studios Research Report
	o	Appendix 14 – Taking Centre Stage
	p	Appendix 15 – Marlow Film Studios Report by LSH
	q	Appendix 16 – Compton Parish v Guildford
	r	Appendix 17 – Mapping of Studios
	s	Appendix 18 – RBWM Visit Windsor Tourism Plan
CD.G22	a	Miss Lad Proof of Evidence - Heritage
	b	Appendix 1-7
CD.G23	a	Mr Franklin Proof of Evidence - Agricultural Land Value
	b	Appendix 1-5
CD.G24		Mr Joyce Proof of Evidence – Transport and Accessibility
R6P Proof of Evidence		
Holyport and Fifield Community Action Group		
CD.G25	a	Highways Safety Proof of Evidence
	b	Transport Note
CD.G26	a	Drainage Proof of Evidence
	b	Flood Risk Assessment Review
Bray Parish Council		
CD.G27	a	Mr Snow Proof of Evidence
	b	Appendix 1 – Site Location Plan application ref: 1803725FULL
	c	Appendix 2 – Appeal Decision ref: APPT0355W203251178
	d	Appendix 3 – Site Location Plan application ref: 1900362
	e	Appendix 4 – Appeal Decision ref: APPT0355W193231492
	f	Appendix 5 – Appeal Decision ref: APPN1920W233320599
CD.H – Relevant 3rd Party Reps		
CD.H1	a	Bowen A - 1057731 - INTERESTED PARTY
	b	Bowen A - 1057731 - INTERESTED PARTY - Studio appeal
CD.H2	a	Cormie A - 1054657 - INTERESTED PARTY
	b	Cormie A - 1054657 - INTERESTED PARTY - HRA Objection 22_03374

	c	Cormie A - 1054657 - INTERESTED PARTY - HRA Objection 22_03374_Supplementary_01

	d	Cormie A - 1054657 - INTERESTED PARTY - HRA Objection 22_03374_Supplementary_02
	e	Cormie A - 1054657 - INTERESTED PARTY_(ATTACHMENT) - HRA Objection 22_03374_Supplementary_03
CD.H3	a	M S - 1064600 - INTERESTED PARTY
	b	M S - 1064600 - INTERESTED PARTY – Attachment - LLFA-24-0067
CD.H4		Richardson A - 1055212 - INTERESTED PARTY
CD.I – Additional Documents and Further Evidence Based Reports.		
CD.I1		Department for Culture, Media & Sport Creative Industries Sector Vision, dated June 2023
CD.I2		Labour Prosperity through Partnership: Industrial Strategy, dated 2023
CD.I3		Knight Frank UK Film and Television Studios Market Report, dated 2023
CD.I4		Economic and Social Impact of Warner Bros. Studios Leavesden: Masterplan 2022, dated March 2022
CD.I5		Volterra Partners Marlow Film Studios Document 5 – Economic case for development, dated May 2022
CD.I6		RBWM Council Plan 2024-2028 (Easy Read)
CD.I7		Deloitte, “Have the winds changed?: The evolution of the studio production landscape – a case study of four cities in the US and internationally”, 2023
CD.I8		Etan Does LA, “Lasky-Demille Barn (Hollywood)”, October 2023
CD.I9		PwC, “Perspectives from the Global Entertainment & Media Outlook 2024– 2028: Seizing growth opportunities in a dynamic ecosystem”, July 2024
CD.I10		Deadline, “Streamer Revenue Soars Once Again In UK As Amazon’s Prime Video Tops $1.3B For First Time – Ofcom Report”, July 2024
CD.I11		Department for International Trade, “Virtual Production: How the UK is setting the global standard”, March 2022
CD.I12		ScreenDaily, “’Of course we’re going to keep the tax reliefs,’ says Labour in general election debate for the creative sectors”, June 2024
CD.I13		ScreenDaily – “Seven key themes to emerge from Screen’s ‘The Future of UK Film’ Summit”, September 2024
CD.I14		The Hollywood Reporter, “Disney to Spend $1B a Year in Europe, Warner Bros. Discovery Exec Looks to 2026 Max Launch in UK”, September 2024
CD.I15		MickeyBlog – “Disney Is Set to Invest $5 Billion In European and U.K. Production”, August 2024
CD.I16		The Guardian – “Netflix doubles down on UK productions despite slowdown”, April 2023
CD.I17		Omdia – “As franchises lose steam, variety will drive the next decade of cinemagoing”, January 2024
CD.I18		Screen Summit, “Screen Summit 2024”, September 2024
CD.I19		Statista, “Box Office - United Kingdom”, August 2024
CD.I20		Netflix, “Netflix's View: streaming entertainment is replacing linear TV”, October 2022

CD.I21	MickeyBlog, “Disney Finally Reaches Profitability in Streaming”, August 2024
CD.I22	The Walt Disney Company, “Q3 FY 2024 Earnings – Executive Commentary”, August 2024
CD.I23	Deadline, “Netflix Closes Upfront Sales, Citing Gains In Line With Its Expectations”, August 2024
CD.I24	Deadline, “Latest in Streaming”, rolling date
CD.I25	Deadline, “Latest in PwC”, rolling date
CD.I26	Omdia, “As stacking behavior changes, YouTube sits top of the list of the most popular video services”, March 2024

CD.I27	Market.US – “Global Podcasting Market By Genre (News & Politics, Society & Culture, Other Genres), By Format (Interviews, Panels, Other Formats), By Region and Companies - Industry Segment Outlook, Market Assessment, Competition Scenario, Trends, and Forecast 2023-2032”, September 2024
CD.I28	Deloitte, “Physical Production Studios in LA, London, and Toronto: How the demand for original content is driving shortage of supply of physical production space in production hubs”, 2021
CD.I29	Pinewood, “Quarterly & Annual Reports”, Q1 2024/25 (latest)
CD.I30	Variety, “British Production Sector Regains Its Swagger After Strike Hiatus: ‘Demand Is Going to Be Ramping Up’”, February 2024
CD.I31	Pinewood, “Pinewood Studios”, N/A
CD.I32	Pinewood, “Shepperton Studios”, N/A
CD.I33	Shinfield Studios, “Shinfield Studios”, N/A
CD.I34	Bray Studios, “Bray Film Studios”, N/A
CD.I35	Longcross South Studios, N/A
CD.I36	Marlow Film Studios, N/A
CD.I37	British Film Commission, “Studios and Stage Space”, rolling date
CD.I38	Pinewood, “Pinewood Group announces expansion of Shepperton Studios and long-term agreement with Netflix”, November 2021
CD.I39	Televisual, “Shepperton now world's second biggest film studio”, March 2024
CD.I40	Deadline, “Amazon Prime Video Buys ‘The Lord Of The Rings: The Rings Of Power’ Studio Bray In Landmark UK Deal”, July 2024
CD.I41	BBC, “Shepperton Studios has made UK a global hub – CEO”, March 2024
CD.I42	Variety, “Disney Inks Long-Term Deal to Occupy Most of Pinewood Studios”, September 2019
CD.I43	Project Casting, “Disney Signs Multi-Year Deal to Film with Pinewood Studios”, September 2021
CD.I44	Pinewood, “Amazon MGM Studios Announces Deal With Pinewood Group to Take Production Facilities at Pinewood Toronto Studios”, January 2024
CD.I45	Department for Culture, Media and Sport – “DCMS written evidence to the Culture, Media and Sport Select Committee inquiry into British Film and High-

		End Television “, October 2023
CD.J – Relevant Decisions, Legal Judgements and Officer Reports		
CD.J1		High Court Judgement Telford & Wrekin Council v SSCLG (2016) EWHC 3073 (Admin)
CD.J2		Court of Appeal Judgement on John Turner v SoS and East Dorset Council [2016] EWCA Civ 466
CD.J3		Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3
CD.J4		Court of Appeal Judgement on Barnwell Manor Wind Energy Limited and East Northamptonshire District Council and Ors [2014] EWCA Civ 137
CD.J5		High Court Judgement on The Forge Field Society & Ors, R. (on the application of) v Seven Oaks District Council [2014] EWHC 1895 (Admin)
CD.J6		Court of Appeal Judgement on Catesby Estates Ltd. And SSCLG v Steer [2018] EWCA Civ 1697
CD.J7		Hawkhurst Parish Council v Tunbridge Wells DC [2020] EWHC 3019
CD.J8		Mordue v. South Northamptonshire Council & SSCLG (2015)
CD.J9		Catesby Estates and SSCLG V. Steer [2018] EWCA Civ 1697
CD.J10		Palmer V. Herefordshire Council & ANR (2016) EXCA Civ 1061
CD.J11		Kenneth Kay V. SSHCLG and Ribble Valley Borough Council (2020) EWHC 2292
CD.J12		Kinsey V. Lewisham and City of London Corporation (2021)
CD.J13		Nuon UK Ltd. V. Bedford Borough & SSCLG (2013) EWHC 2847
CD.J14		The London Historic Parks and Gardens Trust V. The Minister of State for Housing and Westminster City Council (2022) EWHC 829
CD.K – Rebuttals		
Appellants Rebuttals		
CD.K1		Mr Collins Rebuttal on Planning
CD.K2		Ms Gray Rebuttal on Film Studio Need
CD.K3		Mr Tucker Rebuttal on Transport
CD.K4		Mr Fulton Rebuttal on ALC
Councils Rebuttals		
CD.K5		Miss Pugh Rebuttal
CD.K6		Mr Ireland Rebuttal
CD.K7	a	Mr Franklin Rebuttal
	b	Mr Franklin Rebuttal Appendices
R6P Rebuttals		
CD.K8		Mr Linardatos Rebuttal

16. ANNEX C

Schedule of recommended Planning Conditions

1) The development permitted in outline (as shown on the approved plans) shall commence within two years from the date of approval of the last of the reserved matters.

2) Reserved Matters Application(s) for the approval of the layout, scale, appearance and landscaping and principal and secondary points of access for pedestrians and cycles relating to the development permitted in outline, shall be submitted to and approved in writing by the Local Planning Authority before any part of the development commences. These shall accord with the approved parameter plans.

3) An application for approval of all the Reserved Matters for the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4) The development hereby approved shall be undertaken in accordance with the approved plans listed below:
   - Location Plan - 4D_2109_PL_301 C
   - Block Plan - 4D_2109_PL_302 C
   - Proposed Demolition Plan - 4D_2109_PL_303 C

5) The vehicular access permitted in detail shall be carried out in accordance with the approved plans listed below:
   - Site access roundabout- vehicle tracking - 23118-04-DIM RevH
   - Site access, geometry and dimensions- 23118-04-DIM2 RevH
   - Site access roundabout - general arrangement and long sections - 23118-04-GA RevI
   - Site access roundabout- vehicle tracking- 23118-04-TRK RevH

6) The Reserved Matters application(s) for scale, layout, appearance and landscaping, and principal and secondary points of access for cycle and pedestrian shall be submitted in accordance with the principles set out within the Parameter Plans set out below and the Design Specification.
   - Building Zones - 4D_2109_PL_308 C
   - Building Distribution - 4D_2109_PL_309 C
   - Maximum building heights - 4D_2109_PL_310 D
   - Site Access and Circulation Parameter Plan - 4D_2109_PL_311 C
   - Landscape Strategy - 21142.102 I
   - Drawing Extract - Break Out area - 21142.003 D
   - Illustrative Section A-A - 21142.002 B

7) Prior to the commencement of the development, a phasing plan shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.

8) Prior to commencement of development a Construction Management Plan based on the approved draft construction management plan (prepared by David Tucker Associates, dated 22 November 2022) and Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of the proposed control measures and monitoring of, noise, vibration, lighting, delivery locations, restriction of construction hours of work. The Construction Management Plan and Construction Logistics Plan shall be implemented in accordance with the approved details through the relevant project period.

9) No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed)) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters ecological systems; and archaeological sites and ancient monuments.

   Remediation scheme

   No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority] before the development [or relevant phase of development] is occupied.

   Reporting of unexpected contamination

   Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. Where

unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Should no response be received from the Local Planning Authority within 28 working days, the risk assessment and remediation strategy shall be deemed to be discharged and construction can recommence.

Long term monitoring and maintenance

Where an approved remediation scheme includes a requirement for a monitoring and maintenance scheme to ensure the long-term effectiveness of the proposed remediation over time, a report setting out monitoring and maintenance requirements shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, submitted to, and approved in writing by the Local Planning Authority.

10) A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to, and approved by, the Local Planning Authority in writing. The WSI shall include an assessment of significance and research questions; and:
    1) The programme and methodology of site investigation and recording
    2) The programme for post investigation assessment
    3) Provision to be made for analysis of the site investigation and recording
    4) Provision to be made for publication and dissemination of the analysis and records of the site investigation
    5) Provision to be made for archive deposition of the analysis and records of the site investigation
    6) Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

    B) The Development shall take place in accordance with the WSI approved under Part (A). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under Part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
11) Prior to commencement of development an Air Quality and Dust Management Plan (AQDMP) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of development.

12) No penetrative piling shall commence until a written method statement has been submitted to and approved in writing by the Local Planning Authority. The penetrative piling shall be carried out in accordance with this approved method statement

13) Prior to commencement of development (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
    1. Risk assessment of potentially damaging construction activities.
    2. Identification of "biodiversity protection zones"
    3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures in regard to priority habitats, pennyroyal, reptiles, badgers, nesting birds, and hedgehogs (which shall be provided as method statements)
    4. The location and timing of sensitive works to avoid harm to biodiversity features.
    5. The times during construction when specialist ecologists need to be present on site to oversee works.
    6. Responsible persons and lines of communication.
    7. The role and responsibilities on site of an ecological clerk of works (ecow) or similarly competent person.
    8. Use of protective fences, exclusion barriers and warning signs.

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

14) A full Arboricultural Impact Assessment (AIA) and tree/hedgerow tree protection plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The AIA shall be in line with the recommendations of B837:2012- Trees in relation to design, demolition and construction, and shall include the following details (or updated standard that replaces this).
    a) The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:
        - Protection of trees within total exclusion zones;
        - The location and type of protective fencing;
        - The location of the main sewerage and water services in relation to trees;
        - The location of all other proposed underground services, i.e. gas, electricity and telecommunications;
        - The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
        - Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;
        - Suggested locations for the site compound, office, parking and site access;

b) Drawings shall also be submitted to show the location of any protective fencing, and the study shall contain a method statement for arboricultural works which would apply to the site.

The development shall be undertaken in accordance with the approved Arboricultural Method Statement and Tree/Hedgerow Protection Plan.

15) A licence for development works affecting Great Crested Newts shall be obtained from the Statutory Nature Conservation Organisation. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for Great Crested Newts change and / or the applicant conclude that a licence for development works affecting Great Crested Newts is not required, the applicant is to submit a report to the Local Planning Authority detailing the reasons for this assessment and this report is to be approved in writing by the Local Planning Authority prior to commencement of works.

16) No construction shall commence until a surface water drainage scheme for the development, based on sustainable drainage principles as set out in the Flood Risk Assessment and Drainage strategy (Delta Simons dated December 2022), has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
b) Supporting calculations confirming compliance with the Non-Statutory Standards for Sustainable Drainage Systems
c) Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter

17) Prior to the commencement of development, details of a scheme to dispose of foul drainage which has been agreed by Thames Water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any phasing and occupation arrangements to ensure the development is delivered and occupied in line with drainage provision. The scheme shall be implemented in accordance with the approved details.

18)Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels of buildings in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including sections through the areas to show the proposed make-up of the mounding, the levels and contours to be formed and showing the relationship of proposed mounding to existing

vegetation and surrounding landform. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections.

19) No development above slab level shall take place until samples of all the external or finishing materials to be used on the development hereby approved within Sites A or B have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken and retained in accordance with the approved scheme.

20) Prior to commencement of the development, evidence that the development is registered with a BREEAM certification body, and a BREEAM pre-assessment demonstrating a strategy by which a BREEAM 'Excellent' rating will be achieved, shall be submitted to the Local Planning Authority and approved in writing.

21) Prior to occupation, a final post construction BREEAM certificate indicating that the BREEAM 'Excellent' rating has been achieved shall be submitted to the Local Planning Authority and approved in writing.

22) No occupation of the development shall take place until details of a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter.

23) No occupation of the development shall take place until details of the Servicing Strategy have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter.

24) The Reserved Matter of Layout for the development shall include details of the arrangements of cycle parking and bin stores. The approved facilities shall be implemented and made available for use before the development is occupied and shall remain operational thereafter for the lifetime of the development.

25) The Reserved Matter of Layout for the development shall include details of the arrangements for the installation of electric vehicle charging points and cable infrastructure to be utilised for electric vehicle charging to meet future demand. The approved details shall be implemented and made available for use before the development is occupied and shall remain operational thereafter for the lifetime of the development.

26) No occupation of the development shall take place until details of all security measures including gates, lighting, fences and CCTV within the relevant Sites have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter. No other fencing or means of enclosure (other than that approved under this condition) shall be erected without written approval being first obtained from the Local Planning Authority.

27) No part of the development shall be occupied until the visibility splays shown on the approved drawing 23118-04-GA Revision I have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

28) No part of the development hereby permitted shall be occupied until such time as a Sustainable Access and Transport Strategy (SATS) in respect of the provision of bus services to the development site which follows the principles of the Framework Travel Plan (dated March 2024) (and including the use of area-wide initiatives, if applicable) has been submitted to and agreed in writing by the Local Planning Authority

The SATS shall include a timetable for its implementation and operation in relation to the delivery of each phase of the development, together with a strategy for periodic review and amendment, and shall provide (or ensure the provision of) a level and type of service as set out in paragraph 6.5 of the Framework Travel Plan (FTP) prepared by David Tucker Associates, (TM/SC/23188-05c, 4 March 2024).

The bus services associated with the approved SATS shall be scheduled to coincide with (a) up to 4 off peak shift changes at the proposed development, seven days a week (including Bank Holidays) (b) the two office peak hours Monday to Friday and in any event (c) as a minimum shall provide an hourly service to Maidenhead, Windsor and Slough stations between 7am and 7pm. The submitted SATS shall provide for new bus stop infrastructure within the application site and shall include:

i) Bus stops
ii) Bus shelters
iii) Real time information board (for bus and rail services)
iv) Cycle parking.

All measures specified in the approved SATS shall be implemented prior to the first use of the development hereby approved and thereafter be so maintained in accordance with the provisions of the SATS, or any updated SATS agreed in writing by the Local Planning Authority in respect of its periodic review.

29) In accordance with the hereby approved plans 21142.102 Rev I (Landscape Strategy) and 4D_2109_PL_311 Rev C (Access and Circulation Parameter Plan) a Public Right of Way Dedication Strategy shall be submitted to the Local Planning Authority for approval in writing and implemented prior to occupation, which shall include the option to either dedicate the routes shown on the approved plans and/or provided as a permissive path.

30) Prior to the first use of the backlot area, a management and operational plan for this area shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include details of the management and mitigation of the impacts of outdoor filming (including noise disturbance, artificial lighting and parking). The development shall operate in accordance with the requirements of this approved plan in perpetuity.

31) In the event that paint spraying operations are to be carried out in the proposed workshops, details of plant and equipment to be installed for the filtration and ventilation of paint spray and fumes from the building shall be submitted to the Local Planning Authority and approved in writing before paint spraying operations are carried out. The details approved shall be implemented as part of the development before the use commences, shall be retained thereafter and in good working order at all times.

32) Prior to the installation of any external lighting, a strategy for external lighting for the development, and how this will not adversely impact upon wildlife, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:
    a) layout plan with light orientation
    b) Measures to avoid light spill
    c) An isolux contour map showing light spillage both vertically and horizontally and areas where dark corridors for wildlife can be incorporated.

    The approved lighting plan shall thereafter be implemented and retained as agreed. Any further external lighting provided in connection with the development shall be provided in accordance with the approved strategy for external lighting.

33) No external lighting including security lighting, shall be installed until a strategy including details of location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall be sufficient to demonstrate that the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and will be in accordance with the Zone E2 (Rural) light levels at Table 2 in the ILP publication 'Guidance Notes for the Reduction of Obtrusive Light GN01:21'. The lighting shall thereafter be installed and operated in accordance with the approved details. Any further external lighting in connection with this development shall be installed and operated in accordance the Zone E2 (Rural) light levels at Table 2 in the ILP publication 'Guidance Notes for the Reduction of Obtrusive Light GN01:21'.

34) Prior to the installation of any building plant, details of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that the external level emitted from plant/ machinery/ equipment will be no greater than 5dB above the existing background sound levels when measured at the nearest noise sensitive receptor. The assessment shall be made in accordance with BS 4142:2014+A1:2019 (or an equivalent British Standard if revised or replaced). Approved details shall be implemented prior to occupation of the development and thereafter permanently retained for the life of the development.

35) The rating level of the noise emitted from the site shall not exceed the existing background level (to be measured over the period of operation of the proposed development and over a minimum reference time interval of 1 hour in the daytime and 15 minutes at night). The noise levels shall be determined 1m from the nearest noise-sensitive premises. The measurement and assessment shall be

made in accordance with BS 4142: 2014+A1:2019 (or an equivalent British Standard if revised or replaced).

36) The height of any temporary buildings, structures, or apparatus with any associated equipment erected or sited within the backlot area hereby approved shall not exceed 8 metres in height when measured from ground level.

37) The development hereby permitted shall be used for the purposes as set out in the description of the development, and for no other use.

38) The hours of working during demolition/construction phases of the development hereby approved shall be only between the hours of 08.00 hours until 18.00 hours, Monday to Friday, and 08.00 hours until 14.00 hours on a Saturday. No work will take place on Sundays or Bank Holidays.

39) No tree shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any work be carried out to any retained tree other than in accordance with the approved plans and particulars or without the written approval of the Local Planning Authority, until five years from the date of the final Reserved Matters permission. Any approved tree work shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species, and shall be planted at such time as specified by the Local Planning Authority.

40) The development hereby permitted shall be landscaped and planted in accordance with a fully detailed hard and soft scheme which shall be submitted as part of the Reserved Matters detail of Landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation or the completion of the relevant subphase, whichever is the sooner.

41) An Arboricultural Impact Assessment and Tree/Hedgerow Protection Plan, in accordance with the recommendations of B837:2012- Trees in relation to design, demolition and construction, (or updated standard that replaces this), shall be submitted with any Reserved Matters application relating to layout.

END OF CONDITIONS

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.