Appendix H - PBA Sequential Test Report

H.1 Aylesbury Woodlands Sequential Test Report (February 2016)
Aylesbury Woodlands
Flood Risk Sequential Assessment

On behalf of Buckinghamshire Advantage
Buckinghamshire Advantage

Project Ref: 32113/4501 | Date: February 2016
Document Control Sheet

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Report Title: Flood Risk Sequential Assessment
Date: 9 March 2016

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<thead>
<tr>
<th>Name</th>
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<th>Signature</th>
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<tbody>
<tr>
<td>Prepared by</td>
<td>Ben Rayner</td>
<td>Planner</td>
<td>08/02/16</td>
</tr>
<tr>
<td>Reviewed by</td>
<td>Jon Rowson</td>
<td>Planning Director</td>
<td>08/02/16</td>
</tr>
<tr>
<td>Approved by</td>
<td>Michael Parkinson</td>
<td>Partner</td>
<td></td>
</tr>
</tbody>
</table>

For and on behalf of Peter Brett Associates LLP

Revision | Date   | Description               | Prepared | Reviewed | Approved |
---       | ------ | --------------------------| -------- | -------- | --------|
A         | 09/03/16 | Amended site description | SB       | -        | JR       |

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Contents

1 Introduction ................................................................................................................................. 1
  1.1 Background ................................................................................................................ 1
  1.2 Purpose ..................................................................................................................... 1
  1.3 The Proposal ............................................................................................................ 3
  1.4 Planning History ....................................................................................................... 4
2 Sequential Test ............................................................................................................................ 5
  2.1 Introduction .......................................................................................................... 5
  2.2 Approach for the Sequential Test ........................................................................... 5
  2.3 Eastern Link Road (south) ....................................................................................... 5
  2.4 Findings of the Sequential Test .............................................................................. 7
3 Exception Test ............................................................................................................................. 8
  3.1 Introduction .......................................................................................................... 8
  3.2 Sustainability Benefits .......................................................................................... 8
  3.3 Flood Risk Assessment ......................................................................................... 9
  3.4 Summary ................................................................................................................ 9
4 Conclusions ............................................................................................................................... 10
  4.1 Summary ............................................................................................................. 10

Figures

Figure 1. PBA Flood Zone Extents ....................................................................................... 2
Figure 2. ELR (S) connection with ELR (N) ........................................................................ 2
Figure 3. Prime Location Farm and Land search parameter ............................................. 5
Figure 4. Location of sites identified in Estates Gazette search ........................................ 7

Appendices

Appendix A Pre-Application Correspondence
Appendix B Estate Gazette Identified Sites
1 Introduction

1.1 Background

1.1.1 Peter Brett Associates LLP (PBA) has been instructed by Buckinghamshire Advantage (the 'applicant') to prepare a Sequential Test in relation to flood risk, to support a planning application for the development of approximately 200 hectares of site into a mixed use development to include commercial, residential and leisure units, and the creation of the Eastern Link Road (south) on the Aylesbury Woodlands development, to the east of Aylesbury in Buckinghamshire.

1.1.2 The Eastern Link Road (south) (ELR(S)) is classified as Essential Infrastructure providing a vital connection with the Eastern Link Road (north) (ELR (N)). As the road crosses the two watercourses and the floodplain, a flood mitigation scheme is required to ensure the ELR (S) meets the requirements of the Exception Test and national planning policy and does not increase flood risk to third parties.

1.2 Purpose

1.2.1 The purpose of this document is to provide adequate evidence to Aylesbury Vale District Council (AVDC) demonstrating that the site has passed the Sequential Test in accordance with the requirements of the National Planning Policy Framework (NPPF) and its accompanying National Planning Practice Guidance (NPPG). It has been undertaken in accordance with the Environment Agency’s standing advice note issued April 2012: Demonstrating the Flood Risk Sequential Test for Planning Applications. This document provides information relating to compliance with the Exception Test.

1.2.2 Paragraph 100 of the NPPF states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 103 continues to state local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is informed by a Flood Risk Assessment, following the Sequential Test.

1.2.3 Pre-application consultation was undertaken with AVDC officers in July and August 2015 (Appendix A) where agreement was established that the Sequential Test should only be undertaken for development outside of Flood Zone 1. The test will therefore concentrate on non-water compatible development outside of Flood Zone 1.

1.2.4 The accompanying Flood Risk Assessment (FRA) February 2016 (prepared by PBA) identifies the site to be located within the Flood Zones 1, 2, and 3. A plan showing the location of the Flood Zone boundaries in relation to the site is submitted within the FRA. The PBA Eastern Link Road Flood Mitigation Scheme Flood Zone Extents plan, drawing: 32113_MI025 (Figure 1), details the modelling of the flood zone extents post-mitigation scheme. As evident in the plan, the Flood Zoning of the site has reduced the likelihood of flooding across the site. The development area to the east of the ELR (S) is all located in Flood Zone 1.

1.2.5 The Flood Zones following the implementation of the ELR(S) flood mitigation scheme have been used to advise the masterplanning of the Aylesbury Woodlands site and the sequential approach advocated by NPPF has been followed. All More Vulnerable and Less Vulnerable land uses are proposed within Flood Zone 1 ‘Low Probability’ (less than 1 in 1000 (0.1%) annual probability of fluvial flooding), with only Water Compatible Development and Essential Infrastructure located within areas with a higher probability of flooding.
1.2.6 The Eastern Link Road alignment, connecting with the proposed northern aspect of the ELR is located within Flood Zone 3. The approved connection point of the ELR (N) is shown in Figure 2, drawn by Jacobs (drawing: B12798C7-0000-D-001/0). The flood mitigation scheme ensures that the ELR(S) does not cause an increase in flood risk offsite.

1.2.7 In accordance with paragraph 101 of the NPPF the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The Sequential Test must demonstrate there are no reasonably available sites appropriate for proposed development in areas with a lower probability of flooding.
1.2.8 The ELR (S) alignment has been considered and evolved by Jacobs and consultation with the public at exhibitions has been undertaken. The approach to the assessment and its findings are set out in Section 2. As set out in the NPPG (ID: 7-067-20140306) Table 3 ‘Essential Infrastructure’ development located in Flood Zones 3a and 3b will be required to pass an ‘Exception Test’. Any development in Flood Zones 3a and 3b should be designed and constructed to remain operational and safe in times of flood.

1.2.9 The NPPG outlines the Exception Test in Paragraph 023 (ID: 7-023-20140306); the test is a method to demonstrate and help ensure that flood risk to people and property is managed satisfactorily. Essentially, the two parts to the Test require wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. This report addresses the first part of the Exception Test as set out in national planning policy. The FRA demonstrates that the second part of the test is passed.

1.3 The Proposal

1.3.1 The description of development is:

Outline application with means of access to be considered for up to 102,800 sq m employment (B1/B2/B8), up to 1,100 dwellings (C3), 60 residential extra care units (C2), mixed-use local centre of up to 4,000 sq m (A1/A2/A5/D1), up to 5,700 sq m hotel and Conference Centre (C1), up to 3,500 sq m Leisure facilities (A1/A3/A4), up to 16 ha for sports village and pitches, Athletes Accommodation (10 x 8 apartments), and up to 2 ha for a primary school (D1), with a strategic link road connecting with the ELR (N) and the A41 Aston Clinton Road, transport infrastructure, landscape, open space, flood mitigation and drainage.

1.3.2 The development will support employment growth; attract inward investment; address housing pressures; create enhanced public open space and facilitate the essential infrastructure delivery of the ELR (S).

1.3.3 The ELR (S) must link with the northern aspect of the ELR where approval has been consented by AVDC. The road should link to the junction connecting Aston Clinton Road and Aylesbury Road. The road is essential infrastructure to provide access to this development and is integral to the wider ELR delivery; promoting a sustainable solution to the transport in the Aylesbury area.

1.3.4 The proposed scheme includes water compatible development in Flood Zone 3, including Leisure uses and open space. The water compatible development includes outdoor sports and recreation, open space, nature and biodiversity, and essential facilities (including changing facilities).

1.3.5 The proposed development is classed as follows:

ELR(S) – ‘Essential Infrastructure’ (‘Essential transport infrastructure which has to cross the area at risk’).

Residential - 'More Vulnerable' development (‘Buildings used for dwelling houses’).

Commercial – ‘Less Vulnerable’ development (‘Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the ‘More Vulnerable’ class; and assembly and leisure’).

Leisure – ‘Water Compatible’ development (‘Outdoor sports and recreation and essential facilities such as changing rooms’); and ‘Less Vulnerable’ development (‘Buildings used for leisure’).
Open Space – ‘Water Compatible’ development (‘Amenity open space, nature conservation and biodiversity’).

1.4 Planning History

1.4.1 A search on the AVDC planning system identifies that the site has not previously been the subject of a planning application for any use.
2 Sequential Test

2.1 Introduction

2.1.1 The NPPF states that the overall aim of decision-makers should be to steer new development to Flood Zone 1 and where there are no reasonably available sites in Flood Zone 1, they should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zones 2 and 3 (paragraph 101).

2.2 Approach for the Sequential Test

2.2.1 The application proposal involves the development of the site for a mix of use classes. The completed ELR will comprise of two sections (ELR (N) and ELR (S)) connecting the A418 Bierton Road to the north with the A41 Aston Clinton Road to the south. The link road is required to promote a sustainable solution to transport in the Aylesbury area.

2.3 Eastern Link Road (south)

2.3.1 The ELR (S) is Essential Infrastructure and as the road crosses two watercourses and the floodplain, an associated flood mitigation scheme is required to meet the requirements of the Exception Test and national planning policy. The ELR (N) connection point has been fixed in the planning permission for application 10/02649/AOP; as such the ELR (S) must connect to the northern aspect (the connection point is shown in Figure 2).

Task 1 – Site Identification

2.3.2 The first task is to identify the alternative locations for the ELR (S). Alternative routes focus on the identification of land available for alternative siting of the ELR (S). The most appropriate source for these alternative sites is the Estate Gazette Property Link online search facility. The Prime Location online search facility for Farms and Land will be reviewed to assess if any additional land is available in the local area.

2.3.3 The sites identified on the online search facility will be considered available as per the marketing of the land. The Estates Gazette search shall be of Aylesbury, whereas the Prime Location search shall be contained with the area shown in Figure 3.

![Figure 3. Prime Location Farm and Land search parameter](image-url)
Parameters for comparable sites

2.3.4 The review of the Estates Gazette Property Link and Prime Location website shall consider land available that is located in proximity of the ELR (N) connection point and capable of providing a link to the A41 junction with Aylesbury Road through an area of land of lower risk of flooding.

2.3.5 Only sites which are within the following parameter have been included:

- Able to connect the ELR (N) with Aston Clinton Road and Aylesbury Road junction (A41 Woodlands roundabout) to the south of the site.

2.3.6 The purpose of the parameter is to ensure alternative sites being assessed are comparable to that of the application site and would ultimately be capable of providing the type and character of development which is similar to the application site. For a site to be a realistic alternative to the application site there needs to be a comparison of like for like.

Excluded Sites

2.3.7 Therefore, the above parameter automatically excludes all sites that are unable to connect the ELR (N) with Aston Clinton Road.

Task 2 – Flood Zone Identification

2.3.8 The second task is to establish which flood zone the sites to be assessed are located in and whether they are sequentially preferable. For this task we rely on the Environment Agency’s online flood mapping to determine which flood zone any identified sites are located within offsite. In the vicinity of the Aylesbury Woodlands site, PBA has refined the EA’s flood mapping and this forms the best available data for assessment locally.

2.3.9 As the ELR (S) is located in Flood Zone 3a and 3b, for a site to have a lower probability of flooding it must be entirely located in Flood Zones 1 or 2. Therefore, this Sequential Test excludes sites in Flood Zone 3a and 3b.

Task 3 – Site Assessment

2.3.10 The third task is to carry out a desk-based assessment, from publically available information, of whether the sites identified are ‘reasonably available’. This assessment considers the following:

- When is the site available for development?
- Is the site currently occupied/in use?
- Can the owner be identified or are there multiple ownerships?
- Has there been any planning activity (a review of the planning history)?
- Is the site being pursued by other third parties?
- Are there any known development constraints?

2.3.11 Answering these questions will determine whether or not a site is a reasonable alternative in comparison to the application site which is available for development now.
2.4 Findings of the Sequential Test

2.4.1 A search of available land was undertaken 19th January 2016 on the Estates Gazette Property Link search function. Five sites were identified in Aylesbury; however the sites did not meet the parameter search requirements outlined (Appendix A). As shown in Figure 4 the sites are located away from the ELR (N) connection point. The Prime Location search (02/03/2016) did not identify any Farms or Land available for sale in the search area.

2.4.2 During the design phase of the proposal, consideration was made to the siting of the ELR (S); the location identified for detailed planning is therefore the most appropriate location for road alignment and to minimise the probability of flooding across the wider site.

Figure 4. Location of sites identified in Estates Gazette search.
3 Exception Test

3.1 Introduction

3.1.1 Paragraph 102 of the NPPF states if following the Sequential Test it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- It must be demonstrated that the ELR (S) provides wider sustainability benefits to the community outweighing flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site-specific flood risk assessment must demonstrate that the ELR (S) will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

3.2 Sustainability Benefits

3.2.1 As identified the development site will support employment growth through the provision of employment floorspace, new homes, a local centre, leisure facilities and open space provision, and Essential Infrastructure.

3.2.2 The development provides a range of benefits to the local community and follows the golden thread of sustainable development which runs through both plan-making and decision-taking, at the heart of the NPPF.

3.2.3 Paragraph 7 of the NPPF states the three dimensions to sustainable development: economic; social; and environmental.

**Economic Role**

3.2.4 Paragraph 7 of the NPPF identifies the planning system should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation. The ELR (S) is Essential Infrastructure which will facilitate growth within Aylesbury and reduce the impact on the highway network.

**Social Role**

3.2.5 The NPPF states planning should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and reflect the community’s needs and support its health, social and cultural well-being. The ELR (S) is essential infrastructure providing a key part of the wider ELR which promotes a more sustainable solution to transport in the Aylesbury area.

**Environmental Role**

3.2.6 Finally, Paragraph 7 identifies that development should help to minimise waste and pollution, and mitigate and adapt to climate change. The ELR (S) provides a more sustainable transport route between the A41 Aston Clinton Road and the A418 Bierton Road to the north. One of the key elements which forms part of the Buckinghamshire County Council Strategic Economic Plan (SEP) is the provision of the Aylesbury ELR, which will be paramount in assisting the delivery and growth of development within the East of Aylesbury.
3.3 Flood Risk Assessment

3.3.1 The supporting FRA identifies the ELR (S) will be safe for its lifetime taking account of the vulnerability of users. The development of the link road as essential infrastructure to facilitate the economic growth of Aylesbury will not increase the flood risk outside of the site.

3.3.2 A Flood Alleviation Scheme has been proposed to mitigate against the impacts of the ELR (S). Hydraulic modelling has been carried out to quantify the impact of the mitigation scheme and the modelling identified an amendment to the Flood Zones on the Aylesbury Woodlands site. The modelling has been used to advise the masterplanning process.

3.3.3 The flood risk assessment demonstrates that the second part of the Exception Test is passed.

3.4 Summary

3.4.1 In accordance with national guidance, an Exception Test has been undertaken to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily. Whilst the ELR (S) is located in Flood Zone 3a and 3b, the flood mitigation scheme proposed mitigates the impacts of the road and amended the Flood Zones on the site.

3.4.2 The supporting Flood Risk Assessment identifies in greater detail the mitigation measures proposed, the flood zoning, and the compliance to policy. The ELR (S) accords with the golden thread of sustainable development providing wider benefits to Aylesbury. The FRA confirms that the development is safe and does not increase flood risk and does not detrimentally affect third parties, in accordance with the objectives of the NPPF.
4 Conclusions

4.1 Summary

4.1.1 The ELR (S) is Essential Infrastructure which provides a key part of promoting a sustainable solution to transport in the Aylesbury area. An assessment has been undertaken to establish alternative, available sites which meet the parameter of the search. The assessment has demonstrated that there are no sequentially preferable sites which can accommodate the connection to the ELR (N).

4.1.2 The Exception Test identifies the sustainability benefits to the community and the FRA identifies how the ELR (S) will be safe for its lifetime, reducing the flood risk overall, in accordance to National Planning Practice Guidance.

4.1.3 The site area covers approximately 200 hectares, consisting of land located within Flood Zones 1, 2, and 3. The built development susceptible to flooding shall be located in Flood Zone 1. The development supports employment growth; attracting inward investment and facilitating the essential infrastructure delivery of the ELR (S).

4.1.4 On this basis, it is concluded that the Sequential Test has been satisfied.
Appendix A  Pre-Application Correspondence
Jon,

I refer to your further letter dated 13.08.15 following my email sent 06.08.15.

I note the contents of your letter and your request for only the Sequential Test to be carried out in connection with the provision of the ELR.

Your refer to the tables in the NPPG as forming the basis of this position. Table 3 sets out the flood risk vulnerability and flood zone ‘compatibility’ and refers to uses and zones identified in tables 1 and 2. The notes to this table advise that it does not show the application of the Sequential Test which should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3. It also advises where Sequential and Exception Tests do not need to be applied which is to minor development and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site. I advised this in my previous email quoting from paragraph 104 of the NPPF.

The process of taking account of flood risk and ensuring flood risk would not increase elsewhere, as you referred, is set out at paragraphs 100-104 of the NPPF and which sets out the stages required which starts off with applying the Sequential Test and then if necessary, applying the Exception Test.

I accept that for development in Flood Zone 1, the sequential test need not be applied but for all development in other Flood Zones, a Sequential Test and if necessary an Exception Test (as required by table 3) should form part of the flood risk submitted as part of the ES in any future planning application for all parts of the development. The Local Lead Flood Authority and Environment Agency agrees with this position.

I trust this clarifies the planning position.

Kind regards

Claire

Claire Harrison
Senior Planning Officer (East)
Development Management

Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Bucks
HP19 8FF
From: Jon Rowson [mailto:jrowson@peterbrett.com]
Sent: 13 August 2015 12:04
To: Harrison, Claire; Jeffery, Hayley; Kirkham, Andy
Cc: 'Paul McKim'; Robert Hall; Michael Parkinson; 'Richard Harrington'; Stuart Harwood; Paul Jenkin; Ben Rayner
Subject: RE: Aylesbury Woodlands - Sequential Test in connection with flooding.

Claire,

Thank you for your e-mail below. Following further review, please find attached an additional letter with regard to the requirements for a Sequential Test in connection with flooding at the Aylesbury Woodlands site.

We look forward to your confirmation that a Sequential Test would only be required in connection with the proposed Eastern Link Road (South) in the forthcoming planning submission.

Should you wish to discuss any matters further, please do not hesitate to contact me.

Kind regards

Jon

Jon Rowson Dip CD MRTP
Director of Planning

For and on behalf of Peter Brett Associates LLP
3rd Floor, Waterloo House, Victoria Square, Birmingham, B2 5TB
t 01217968269
m 07792 158112
e jrowson@peterbrett.com
w www.peterbrett.com

---

From: Harrison, Claire [mailto:CHarrison@aylesburyvaledc.gov.uk]
Sent: 06 August 2015 15:14
To: Jon Rowson; Jeffery, Hayley; Kirkham, Andy
Cc: 'Paul McKim'; Robert Hall; Michael Parkinson; 'Richard Harrington'; Stuart Harwood; Paul Jenkin; Ben Rayner
Subject: RE: Aylesbury Woodlands - Sequential Test in connection with flooding.

Jon,

Thank you for the letter sent below which I have now reviewed.
The process of taking account of flood risk and ensuring flood risk would not increase elsewhere, as you referred, is set out at paragraphs 100-104 of the NPPF and which sets out the stages required which starts off with applying the Sequential Test and then if necessary, applying the Exception Test.

The NPPF at paragraph 104 states: “For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.” These are the only exceptions set out in policy for scenarios where a sequential test is not required and the NPPG clearly categorises what is referred to in paragraph 104. The NPPG also includes paragraphs on “Applying the Sequential Test to individual planning applications” and applies to this application.

Therefore, I have to disagree with your conclusion that a Sequential Test is not required. Accordingly, a Sequential Test and if necessary an Exception Test should form part of the flood risk submitted as part of the ES in any future planning application and I have reflected this position in my initial views on the EIA scoping report submitted informally.

I trust this clarifies the planning position.

Kind regards

Claire

Claire Harrison
Senior Planning Officer (East)
Development Management

Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Bucks
HP19 8FF

Tel: 01296 585471
Web: www.aylesburyvaledc.gov.uk/planning

---

From: Jon Rowson [mailto:jrowson@peterbrett.com]
Sent: 15 July 2015 16:17
To: Harrison, Claire; Jeffery, Hayley; Kirkham, Andy
Cc: 'Paul McKim'; Robert Hall; Michael Parkinson; 'Richard Harrington'; Stuart Harwood; Paul Jenkin; Ben Rayner
Subject: Aylesbury Woodlands - Sequential Test in connection with flooding.

Claire,

Please find attached a formal letter with regard to the requirements for a Sequential Test in connection with flooding at the Aylesbury Woodlands site.

We look forward to your confirmation that a Sequential Test is not required in connection with the proposed forthcoming planning submission.

Should you wish to discuss any matters further, please do not hesitate to contact me.

Kind regards
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13th August 2015

Aylesbury Vale District Council
Development Control
The Gateway
Gatehouse Road
Aylesbury
Bucks
HP19 8FF

F.A.O: Claire Harrison – Senior Planning Officer.

Dear Claire,

RE: Proposed Mixed Use Development to the East of Aylesbury – Requirements for the Sequential Test for Flooding.

Thank you for your e-mail dated 6th August 2015 in response to my letter of 15th July 2015, confirming that the Local Planning Authority consider that a Sequential Test is required in connection with the proposed development in support of an Outline Planning Application at the Aylesbury Woodlands Site.

Can you confirm that you would be in agreement for a Sequential Test to be carried out only in connection with the provision of the Eastern Link Road (south) as this is essential infrastructure to provide access to this development and provides a key part of the wider Eastern Link Road, which is required to promote a more sustainable solution to transport in the Aylesbury area, based on table 1 in the NPPG and table 3 (ID: 7-067-20140306) that identifies an exception test is required for development located in Flood Zone 3 for essential infrastructure. For essential infrastructure in Flood Zone 3 development should be designed and constructed to remain operational and safe in times of flooding. The essential infrastructure should not result in a net loss of floodplain storage nor impede water flows and not increase flood risk elsewhere.

On this basis, can we also seek agreement that development in Flood Zone 1 would not need the test applied, as this is consistent with the objectives of paragraphs 100-104 of the NPPF, the NPPG and also recent appeal decisions.

Should you wish to discuss any aspect of the above or any related matters please do not hesitate to contact me in the Birmingham office.

Yours sincerely

Jon Rowson Dip CD MRTPI
Director of Planning
For and on behalf of
PETER BRETT ASSOCIATES LLP

Registered Office: Caversham Bridge House, Waterman Place, Reading, Berkshire, RG1 8DN. UK. T: +44 (0)118 950 0761 F: +44 (0)118 959 7498
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Appendix B  Estate Gazette Identified Sites
6 Commercial Land for sale in Aylesbury, UK

Haddenham Business Park, Nr. Thame, HP17 8LJ
Land, Commercial Land
12 - 0 Acre
FOR SALE POA

The commercial land forms part of a mixed use development comprising housing, convenience store and care home.
Outline consent...

Westcott Venture Park, Westcott, Aylesbury, HP18 0XB
General Industrial, Land, Industrial, Commercial Land
120 - 29999.99 Sq Ft
FOR SALE TO RENT POA or ROA

Westcott Venture Park is conveniently situated equidistant between Aylesbury and Bicester just off the A41. The A41 provides a...

Aston41, College Road North, Aylesbury, HP22 5EZ
General Industrial, Land, Distribution Warehouse, Industrial, Commercial Land
17999.99 - 179999.91 Sq Ft
FOR SALE TO RENT POA or ROA

Design and build opportunities on an 18 acre site at Aston Clinton, fronting the A41 dual carriageway, just south of Aylesbury...
Aston41, College Road North, Aylesbury, HP22 5EZ
General Industrial, Land, Distribution Warehouse, Industrial, Commercial Land
17999.99 - 17999.91 Sq Ft
FOR SALE  POA or ROA

Design and build opportunities on an 18 acre site at Aston Clinton, fronting the A41 dual carriageway, just south of Aylesbury...

Employment Land at Berryfields, Aylesbury, HP18 0PS
General Industrial, Land, Office, Industrial, Commercial Land, Offices
14.9 Acre
FOR SALE  POA

The site forms part of Berryfields MDA, which has outline planning permission for up to 3,000 dwellings. The site is located to...

Manor And Tindal Sites, Bierton Road, Aylesbury, HP20 1HU
Land, Commercial Land
6.37 Acres
FOR SALE  POA

The Tindal site extends to approximately 1.45 ha (3.57 acre) and is broadly square in shape and relatively level in terms of...

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